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A NARRATIVE

OF THE

GUNPOWDER PLOT.

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GUNPOWDER PLOT.

BY

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PREFACE.

THE substance of the following pages was published many years ago in the "Library of Entertaining Knowledge," and formed the introduction to the trials of the several persons implicated in the Gunpowder Treason. The obvious objection to the course adopted with respect to the "Criminal Trials," was, that the introduction exceeded its office as an illustration of the judicial proceedings, and became a prominent part of the work, instead of being merely accessary to the main design. Another objection was, that a work, which professed some degree of research and a critical examination of the evidence and effect of disputed facts, was inconsistent with the object of the series to which it belonged, and with the character and capacities of the readers for whose use that series was intended. Notwithstanding these objections, reprints

of the Criminal Trials have been frequent during twenty-one years, and the consequence is that the stereotype plates, having become completely worn out, have been destroyed, and the work is out of print. Under these circumstances it is now proposed to arrange the materials in the form of a continuous narrative of the facts of the Gunpowder Plot, with such enlargements and corrections as subsequent inquiry and research have suggested.

Upon the subject of the Gunpowder Plot original authorities and contemporary narrations of facts exist in great abundance, although dispersed in various depositories, both public and private. The source from which by far the greater part of the following pages has been drawn is the collection of original documents upon this subject at the State-Paper Office, arranged and indexed some years ago by Mr. Lemon. The extent of this collection is a memorial of the diligence with which, at the time, the facts of the conspiracy were investigated. For nearly six months the examination of the numerous prisoners and witnesses occupied the attention of the Commissioners appointed to that service by the King, during which time their labours were aided by Chief Justice Popham, Sir Edward Coke, Sir Francis Bacon, and several others of the most acute and experienced lawyers of the day. More than five hundred depositions and examinations

were taken, a large proportion of which, together with numerous contemporary letters and papers relating to the transaction, are still to be found at the State-Paper Office.

Although it is quite clear from the existence of this mass of documents that the Privy Council of James I. were fully acquainted with all the details of the conspiracy, it was not to be expected that a fair or full statement should be officially published. The object of the government was to turn the transaction to the best political account, and nothing could be further from their intention than to publish truth merely for the information of the people. The practice of those days was to hold the people in leading-strings on political subjects, and so much light only was given respecting occurrences of state as the Privy Council thought convenient and useful for the attainment of their objects. Where the whole truth would not produce the intended effect, a part only was published; and where the part would not exactly suit the purpose, no scruple was made of garbling and altering it. And this practice was well illustrated in the official account of the Gunpowder Plot published immediately after its occurrence. Before the trials of the conspirators, an anonymous narrative, entitled "A Discourse of the manner of the Discovery of the Gunpowder Plot," was printed by the King's printer, and published by authority of the

Government. This publication, which was industriously ascribed to the pen of the King, and was called the "King's Book," was not only dispersed profusely in England, but was sent, together with the King's speech on opening the Parliament, to the ambassadors at foreign courts, translated into several languages, and circulated with the utmost diligence in every part of Europe. A careful comparison of this relation with Bacon's acknowledged narratives of the Treasons of Lopez and of the Earl of Essex, in Queen Elizabeth's time, produces a strong impression that all of them were composed by the same hand. The resemblance is not confined to the similarity of the style and language; the whole scheme of the "Discourse" is the same as that of the "Declaration of the Earl of Essex's Treasons," viz., to surround fictions by undoubted truths with such apparent simplicity and carelessness, but in fact with such consummate art and depth of design, that the reader is beguiled into an unsuspecting belief of the whole narration. The fidelity of the story is in both cases vouched by the introduction of depositions and documents which give an air of candour and authority, but which might be garbled at the discretion of the writer, without fear of detection, as the originals were in the power of those who employed him. At all events, whether this conjecture be well or ill founded, and whether the "Discourse of the manner of the

Discovery of the Gunpowder Plot" was written by Bacon or by some other courtier, or by the King himself, there is no doubt that it is a narrative of no historical authority; it is merely the Court version of the transaction, given to the world for the express purpose of leading the public mind in a particular direction. Of several hundreds of examinations which had been taken, two only were published in this narrative, namely, a Declaration of Guy Fawkes, and a Confession of Thomas Winter. That both of these were carefully settled and prepared for the purpose of publication is not only highly probable from a comparison of them with the other statements of the same individuals, which are still extant; but is demonstrated as a fact by the interlineations and alterations observable upon the originals.

Besides those documents which have remained in the State-Paper Office, as their proper place of custody, ever since the time of the first Earl of Salisbury, many papers appear to have been added at a later period. When Sir Edward Coke was discharged by James I. from his judicial station in 1618, his papers were seized by order of the Privy Council, and deposited in the State-Paper Office; and it appears from an inventory of the articles so deposited, in the hand-writing of Sir Thomas Wilson, who shortly afterwards became Keeper of the State papers, that, among many other documents

of a public and private nature, there was "a black buckram bag containing papers about the Powder Plot." As many of the most valuable documents in the collection, consist of Sir Edward Coke's original Notes, or copies of depositions bearing either his indorsement or some quaint remark or quotation in his hand-writing, it is probable they formed a part of the contents of that "buckram bag."

Although partial extracts from the documents in the State-Paper Office relating to the Gunpowder Plot have been published in the course of the numerous controversies which have taken place respecting this transaction, they have never been carefully digested and laid before the public in the form of a connected narrative. It appears from some papers among the Tanner Manuscripts in the Bodleian Library that a work of this kind was at one time contemplated by Archbishop Sancroft. The circumstance is not mentioned by any of his biographers, and it is unknown at what period of his life he commenced the undertaking; though it may be conjectured that his attention was directed to the subject by the discussions between the Roman Catholics and Protestants at the time of the Popish Plot. At all events, he did not proceed further than a partial collection of materials, and it is quite uncertain whether he intended to write a controversial or a purely historical work. Several documents, the originals of which are

probably not in existence, have been referred to in this volume through the medium of the copies in Sancroft's hand-writing.

Although the documents upon the subject of the Gunpowder Plot preserved at the State-Paper Office are numerous, the collection is not by any means complete. Many important papers, which were particularly mentioned and described by Bishop Andrews, Dr. Abbott, Casaubon and other contemporary writers, and some of which were copied by Archbishop Sancroft from the originals so lately as the close of the 17th century, are not now to be found. It is remarkable, that precisely those papers which constitute the most important evidence against Garnet and the other Jesuits are missing; so that if the merits of the controversy respecting their criminal implication in the Plot depended upon the fair effect of the original documents now to be found in the State-Paper Office, impartial readers might probably hesitate to form a decided opinion upon the subject. The missing papers of particular importance are the minutes of an overheard conversation between Garnet and Hall in the Tower, dated the 25th February, 1605—6, an intercepted letter from Garnet addressed to "the Fathers and Brethren of the Society of Jesus," dated on Palm Sunday, a few days after his trial, and an intercepted letter to Greenway, dated April 4, 1605—6. That all

of these papers were in the State-Paper Office when Dr. Abbott wrote his *Antilogia* in 1613, is evident from the copious extracts from them published in that work; and a literal copy of the first of them, made by Archbishop Sancroft many years afterwards from the State Papers, is still in existence. The originals of these documents, however, do not appear to be now contained in the proper depository for them; and it is undoubtedly a singular accident that, amongst so large a mass of documents, precisely those should be abstracted upon whose authenticity and effect the point in the controversy between the Roman Catholics and the Protestants in great measure depended.

Many of the facts in the following narrative are taken from a manuscript relation of Father Greenway, brought by Dr. Lingard from Rome, and much relied upon by him in the interesting account of this conspiracy given in his History of England. Greenway's Narrative consists of a copious relation of all the details of the Plot, from its commencement until the execution of Garnet. It is in the Italian language, but is evidently a translation from the original English. Though little is known of the history of this manuscript, there is strong internal evidence that it was written by Greenway, probably at the suggestion of the Pope or of the Father-General of the Jesuits, in order to vindicate his own conduct and that of Garnet from the charge of

having encouraged the Plot. His description of the persons, characters, and family connexions of the principal conspirators, with most of whom he was familiarly acquainted; his account of their general conduct—their superstitious fears—their dreams—"their thick-coming fancies"—in the progress of the work of destruction, are extremely interesting. His speculations, too, respecting the letter to Lord Mounteagle and the treachery of Tresham, are well worthy of attention as containing most probably the opinions of the conspirators themselves. Nor is there any reason in matters of this kind to doubt his veracity. Some allowance must be made however for the partial colours in which he depicts the characters of the conspirators. That they were not coarse and brutal ruffians, as described in the popular representations of them, is beyond all doubt; but according to Greenway's statement, the men who contrived this monstrous and cruel treason were the gentlest, the most benevolent, and the most pious of the human race; and if we are to believe him, "the seven gentlemen of name and blood," as Fawkes truly calls them, who worked in the mine, together with those who afterwards joined them, composed as amiable a company, with respect to virtues and accomplishments, as could have been desired. So also in the relation of facts which bear upon the main object of his work, namely, the exculpation of Father Garnet and himself from the heavy

imputation cast upon them, his Narrative is entitled to no credit whatever; his statements in this part of his story, to which he sometimes adds the most solemn asseverations of their truth, being often directly contradicted by the express and repeated admissions of Garnet and the principal confederates. Whatever doubts may be entertained respecting Garnet, it is clear from the statements of several of the conspirators, and from the admissions of Garnet himself, that Greenway was a full accomplice in the Plot. He was not only privy to the design from its first formation, but was a zealous and active confederate, approving, promoting, and encouraging it with the utmost enthusiasm. The statements of such a person, writing probably at the command of his superiors, for the express purpose of justifying himself and the other English Jesuits, must of course be received with caution in all particulars relating to their connexion with the plot. Collaterally, however, Greenway's narrative seems to show that the Gunpowder Plot was neither encouraged nor approved at Rome; for when he is called upon by his religious superiors to vindicate himself from the charge imposed upon him at the trials of the conspirators, he does not venture to admit his share in the transaction, but writes a laboured exculpation of himself, and condemns the Plot in unequivocal terms, calling it a "rash, desperate, and wicked" conspiracy, and ascribing its

prevention to a special interposition of Providence. He succeeded in deceiving those in authority at Rome by his hypocrisy and falsehood; for he was afterwards appointed Penitentiary to the Pope, and is said to have enjoyed during the remainder of his life the full favour and confidence of Paul V.

Much information respecting the family connexions of the conspirators, and the domestic history of the Catholics shortly before the period of the Gunpowder Plot, has been derived from a mass of papers, discovered a few years ago in a singular manner at Rushton, in Northamptonshire. In the early part of the year 1828, on the removal of a lintel over an ancient doorway in the old mansion of the Treshams at Rushton, a handsomely-bound breviary fell out among the workmen. On further search, an opening was discovered in a thick stone wall, of about five feet long and fourteen or fifteen inches wide, almost filled with bundles of manuscripts, and containing about twenty religious books in excellent preservation. The contents of the manuscripts were various; consisting of historical notes by Sir Thomas Tresham, rolled up with building bills, deeds, and farming contracts, of no general interest or importance, and also of a portion of the domestic correspondence of the Tresham family between the years 1590 and 1605. The paper of the latest date is a memorandum, without a signature, of certain bonds,

therein stated to have been delivered up to Mrs. Tresham on the 28th of November, 1605, by the vriter of the memorandum. In all probability, therefore, this was the period when these books and papers were finally enclosed. Sir Thomas Tresham died in September, 1605, and his estates upon that event descended to Francis Tresham, his eldest son, who was a conspirator in the Gunpowder Plot. Upon his apprehension, which took place on the 12th of November, it is natural to suppose that his papers at Rushton would be destroyed or concealed by his friends. From the almost total absence of letters of a political tendency amongst the papers thus discovered, it is probable that all such were destroyed. Although there is nothing among these papers specifically relating to the Gunpowder Plot, they contain valuable information upon the condition and domestic history of the Roman Catholics at that period, their expectations from James I., and their grievous disappointment on his accession; and at any rate they throw light upon the causes which led to the conspiracy.

NARRATIVE

OF

THE GUNPOWDER PLOT.

CHAPTER I.

Interest and historical importance of the occurrence—Its political consequences—Party misrepresentation of the facts—State of the English Roman Catholics at the commencement of the reign of James I.—Penal laws against recusants—Instances of the oppressive enforcement of these laws—Sir Thomas Tresham—Thomas Throckmorton—Edward Rookwood—Condition of the Roman Catholic clergy—Hopes of the Roman Catholics from James I.—Encouraged by the King both before and after his accession—His relaxation of the penal laws—Sudden change of policy in this respect—The penal laws of Elizabeth again enforced—New restrictive laws proposed—Indignation of the Roman Catholics—Their negotiations with the King of Spain.

Interest and historical importance of the occurrence.

THE conspiracy termed the Gunpowder Plot must for various reasons be considered as one of the most remarkable occurrences in English history. The atrocity of the design, the extent of the mischief intended, and the mysterious manner in which the scheme is represented to have been detected upon the eve of its

execution, would alone be sufficient to give a surpassing interest to the story; while the popular observance of the anniversary periodically awakens the remembrance of Guy Fawkes and his associates, and perpetuates the memory of the transaction by rendering its leading features familiar even to our children.

But the subject of the Gunpowder Plot well deserves the serious consideration of those who read history with higher objects than mere entertainment. The political consequences of this transaction were important and permanent. It fixed the timid and wavering mind of the King in his adherence to the Protestant party, in opposition to the Roman Catholics; and the universal horror, which was naturally excited not only in England but throughout Europe by so barbarous an attempt, was artfully converted into an engine for the suppression of the Roman Catholic Church; so that the ministers of James I., having procured the reluctant acquiescence of the King, and the cordial assent of public opinion, were enabled to continue in full force the severe laws previously passed against Papists, and to enact others of no less rigour and injustice. Even after the lapse of more than two centuries, the excitement of the public mind on this subject, stimulated as it has been from time to time by the occurrence of other plots real and pretended, has not wholly subsided; and in our own times, during the frequent discussions respecting the propriety of relieving Roman Catholics from civil disabilities, the Gunpowder Plot was repeatedly referred to as a practical proof that the

doctrines of the Roman Catholic religion were inconsistent with the safety of a Protestant Government. The soundness of this argument, when applied to the altered state of things in the nineteenth century, has been often controverted; but it loses every shadow of validity if the conspiracy was not justly chargeable upon the general body of the English Roman Catholics, and was not in fact encouraged or approved by them, either before or after its discovery. This is a question of fact eminently deserving of critical investigation; but until lately the circumstances of the transaction have been so much perverted by the rancorous party spirit displayed by writers on both sides, that the question has hitherto never undergone a dispassionate examination. In these days of toleration, when a liberal and enlightened policy has caused the repeal of all persecuting laws against Roman Catholics, and the question of emancipation is no longer the watchword of political party, this obstacle to the discovery of truth has been removed, and writers of either form of religion can now direct their historical reasoning and researches to better objects than mere sectarian accusation and recrimination.

This comparative freedom from party prejudice is, however, of very recent date. In consequence of the political jealousy between Roman Catholics and Protestants which has prevailed in this country ever since the Reformation, almost every point of English history supposed to have the remotest bearing upon the respective merits of the two systems of religion has been

obscured and misrepresented. This has been particularly the case with the Gunpowder Treason. The outlines of the transaction were indeed too notorious to be suppressed or disguised. That a design had been formed to blow up the Parliament House, with the King, the Royal Family, the Lords and Commons, and that this design was formed by Roman Catholic men and for Roman Catholic purposes, could never admit of controversy or concealment; but the details of the conspiracy,—the causes which led to it,—the motives and objects of the conspirators,—the extent to which the knowledge of it prevailed amongst Papists in England and abroad, and the degree of encouragement it received from the Roman Catholic clergy, have been, ever since the date of its occurrence to the present time, subjects of doubt and dispute.

In order to form a fair judgment of the causes which produced the Gunpowder Treason, and of the motives of those who were engaged in it, it is necessary to consider generally the state of the English Roman Catholics at that precise period, and to take a summary view of the penal restrictions and liabilities to which, at the commencement of the reign of James I., the adherents to the Church of Rome were subject.

State of the English Catholics.

The laws passed against recusants in the latter years of the reign of Elizabeth were extremely severe; and whatever opinion may be entertained respecting the object with which they were passed, or their necessity for the protection of the Protestant establishment from the practices of disaffected and turbulent

fanatics, at that time excited and encouraged by the mischievous interference of the Pope, it is obvious that their *effect* was to withdraw from a large proportion—probably a majority—of the inhabitants of England the common rights and liberties of Englishmen, and to place all persons, who adhered from conscience and principle to the ancient religion, though loyal to the existing Government, in a state of unmerited persecution and suffering. By these laws, Roman Catholics were not only forbidden to use the rites and ceremonies of their own faith, but were required to attend upon the services of a Church which, if conscientious and consistent, they were bound to abhor as heretical and damnable. If they refused or forbore to come to a Protestant church on the sabbath, they were liable to a penalty of 20*l.* for every lunar month during which they absented themselves.* The public exercise of the social rites of their own Church was virtually interdicted, for it was enacted† "that every priest saying mass was punishable by a forfeiture of two hundred marks, and every person hearing it, by a forfeiture of one hundred marks, and both were to be imprisoned a year, and the priest until his fine was paid." The ministers of their religion, without whose presence they were precluded from the exercise of the sacraments and other rites, were in effect proscribed and banished; for by a statute passed in 1585 (27 Eliz. c. 2), it was enacted "that all Jesuits, seminary and other priests ordained since the beginning of the

* 23 Eliz., c. 1, s. 5. † 23 Eliz., c. 1, s. 4.

Queen's reign, should depart out of the realm within forty days after the end of that session of Parliament; and that all such priests or other religious persons ordained since the said time should not come into England, or remain there, under the pain of suffering death as in case of treason." It was also enacted by the same statute, "that all persons receiving or assisting such priests should be guilty of a capital felony." When a person professing the Popish religion was convicted in a court of law of absenting himself from the established church, he was termed a "Popish recusant convict;" such a person was liable by the 35 Eliz. c. 1, to be committed to prison without bail until he conformed and made submission; and if he did not within three months after conviction submit and repair to the established church, he must abjure the realm;* and if he refused to swear, or did not depart upon his abjuration, or if he returned without licence, he was guilty of felony, and might suffer death as a felon, without benefit of clergy.

No doubt these rigorous laws were not at all times enforced to their utmost extent; but they placed the

* Abjuration of the realm for felony at the common law was the taking of an oath, with many religious solemnities, to depart from England for ever, and not to return without the King's license. The party after taking the oath was bound to repair immediately, with the cross in his hand, to some seaport, and at once to embark. If he delayed, or returned without license, he was hanged *sine strepitu judicii*, unless he claimed the benefit of clergy. The punishment of abjuration imposed by the statute of Elizabeth upon Catholics was far more severe than abjuration for felony at common law; in the latter case the felon had the benefit of clergy, in the former it was expressly taken away.

whole body of the Roman Catholics at the mercy of the Protestant Government, who were enabled to crush or spare them at their discretion or caprice. For them there was no liberty, personal or religious, but such as the Privy Council thought proper to allow; and with reference to their religion, the law gave them no rights and afforded them no protection. The fact that large amounts were paid into the Exchequer for recusants' fines during the latter years of Elizabeth's reign is well known; but the oppressive use which was made of these laws in enforcing contributions to assist the revenue of the Crown on particular emergencies has not been noticed by historians. Thus, when in 1600 it was necessary to raise regiments of cavalry for the war in Ireland, letters were sent to wealthy recusants throughout England, reminding them of the advantage they derived from the Queen's clemency in not enforcing against them the penalties for recusancy imposed by the various statutes above mentioned, and advising them to contribute for the Queen's use by or before a certain day the sums set severally against their names. If the sums were not paid by the day specified, other letters issued, threatening, in clear terms, that compulsory means would be found in the enforcement of the statutory penalties unless the payments were made without further delay.* When

* Several letters of this kind will be found in the Council Registers for 1600; and among those to whom they are directed are Thomas Abington of Hendlip, who was arraigned and convicted as an accessary to the Gunpowder Treason, and Lady Catesby, the mother of Robert Catesby the arch-conspirator.

we remember that the victims of the laws above enumerated considered themselves to be the majority of the gross population of the country; that the chief sufferers were the principal nobility and gentry of the land, whose ancestors had served the kings of England before the Reformation in the highest offices of state, and whose honours and possessions were the proofs of royal favour and distinction conferred on their predecessors; when we consider, moreover, that these persons were thus impoverished and disgraced for their adherence to that ancient religion to whose rites and ceremonies they were attached by early and hereditary associations, and whose power and influence they were bound by the strongest obligations to maintain and defend against what was to them an abominable heresy, we shall be at no loss to comprehend the bitter feelings of discontent which prevailed amongst the English Roman Catholics under Elizabeth, and which produced a constant succession of plots and rebellions more or less important and alarming during the last twenty years of her reign.

Although it must be admitted that the laws in existence against recusants at this period were not constantly enforced against them, it must not, on the other hand, be supposed that they were merely suspended, *in terrorem*, over the heads of those against whom they were directed, for the purpose of restraining the seditious attempts of the disaffected. There is no doubt that they were often practically applied with great severity; and there were few Roman

Catholic families who had not in some degree experienced their rigour. Of this many instances might be adduced. The family history of some of the principal actors in the Gunpowder Plot, exhibits in a strong point of view the temper of the times, and the actual condition of the Roman Catholic gentry.

Sir Thomas Tresham.

Sir Thomas Tresham, the father of Francis Tresham, one of the most conspicuous characters in the Gunpowder Treason, belonged to a family who from very early times had possessed a princely estate in Northamptonshire. On the restoration of the Knights Hospitallers of St. John of Jerusalem, by Queen Mary, his grandfather had been made Lord Prior of that order. Sir Thomas Tresham himself was originally a Protestant, and was knighted by Elizabeth, at Kenilworth, in 1577: three years afterwards, when the first missionary priests came into England, he was converted by Campion and Parsons and reconciled to the Church of Rome.* From the time of his conversion until his death, in 1605, he was constantly the subject of prosecution. Shortly after Campion's apprehension, in 1580, he was arrested and sent to the Fleet on suspicion of having harboured the missionaries: on his refusal to swear before the Council that Campion had not been at his house he was prosecuted in the Star-Chamber, together with Lord Vaux, Sir William Catesby, the father of Robert Catesby the conspirator in the Gunpowder Plot, and several other Roman Catholics, and sentenced by the Court to pay a very heavy fine, and

* More's Historia Societatis Jesu, p. 74.

to be imprisoned in the Fleet until he swore as required by the Council. Under this sentence Sir Thomas Tresham languished in close imprisonment for several years. He was afterwards repeatedly imprisoned on the ground of his religion, in the Fleet and at Banbury Castle, for long periods of time, and also at Ely, which he terms, in some of his letters, his "familiar prison."* He was discharged from his imprisonment at Ely on the 3rd of December, 1597, having been required to find security for his appearance, if called upon, and for his good behaviour.† It appears also from the receipts at the Exchequer, that for more than twenty years he constantly paid 260*l.* per annum into the Treasury, being the statutory penalty of 20*l.* per lunar month for recusancy.‡ In a letter of his, dated the 7th of October, 1604, he says that "he had undergone full twenty-four years' term of restless adversity and deep disgrace, only for testimony of his conscience." The resolute devotion of the old man to his religion appears from a letter to Lord Henry Howard, in July 1603, in which he says, that "he has now completed his triple apprenticeship of one and twenty years in direst adversity, and that he should be content to serve a like long apprenticeship to prevent the foregoing of his beloved, beautiful, and graceful Rachel; for it seemed to him but a few days for the love he had to her."§

A second instance is that of Mr. Thomas Throck-

* Rushton Papers.
† Council Register.
‡ Lansdowne MSS. No. 153, p. 125.
§ Rushton Papers.

morton, of Coughton, head of the ancient family of that name, and nephew of Sir Nicholas Throckmorton, who was ambassador to France in the early part of Elizabeth's reign. Mr. Throckmorton's life was one continued series of persecution on account of his religion. His estate was constantly under sequestration for the fines and penalties imposed upon him for recusancy. Among other instances, Strype mentions that he was fined 1000 marks in 1587 and 140*l.* in 1594.* He was arrested with Sir William Catesby in 1580, upon the seizure of Campion the Jesuit.† At the period of the threatened invasion from Spain in 1587, he was imprisoned at Fulham and Ely for a long space of time, and in 1597 we find him a prisoner in Banbury Castle. He was connected by blood with several of the Gunpowder conspirators, Catesby and Tresham being his nephews, and the Winters of Huddington being nearly allied to him.

Mr. Thomas Throckmorton.

A third instance is the case of Edward Rookwood, of Euston Hall, in Suffolk, a cousin of Ambrose Rookwood, the conspirator. In 1578 Elizabeth, on one of her progresses, had been sumptuously entertained by this gentleman, at Euston Hall.‡ Ten years afterwards he was imprisoned at Ely, with other Roman Catholic gentlemen. The payment of recusancy fines reduced him eventually to absolute want. He was discharged from his imprisonment at Ely on the 3rd of December,

Edward Rookwood.

* Strype's Annals, vol. iii. part 2, p. 705; vol. iv. p. 276.

† More's Historia Societatis Jesu, p. 82.

‡ Lodge's Illustrations, vol. ii. p. 188.

1597;* and in the parish register of St. James, at Bury St. Edmunds, is this entry of his burial: "Mr. Rookwood, from the jail, buried June 4th, 1598."† His estate was afterwards sold to relieve his family.

Condition of the Catholic clergy.

These instances, taken from a great number of cases of a similar kind, exhibit the situation of the laity. The condition of the clergy, who were the principal objects of the penal enactments, was far worse. The Jesuit missionaries in particular lived in a state of perpetual concealment and terror. In many of the principal Roman Catholic houses subterranean vaults, chambers built in the substance of the walls and in the chimneys, with curious contrivances for the admission of air and food, were provided, into which the priests retired in case of a hostile search for them;‡ they went abroad disguised, and, avoiding towns and places of miscellaneous resort, wandered by unfrequented roads from one house of refuge to another, using a different name at each, that they might not be traced. Sometimes they hid themselves for months together in woods and caverns; and Mr. Butler mentions "a tangled dell in the neighbourhood of

* Council Register.

† Gage's Antiquities of Hengrave, p. 248.

‡ Nicholas Owen, also called Little John, from his diminutive stature, who was an attendant on Father Garnet, and committed suicide in the Tower after the apprehension of his master, is stated by Jesuit writers to have had a singular dexterity in inventing hiding-places for priests. He is said to have constructed the concealed cells in Hendlip House, in Worcestershire, in one of which Garnet and Hall were discovered.—See Tanner's History of the Society of Jesus, p. 72.

Stonor Park, near Henley-on-Thames, which tradition points out as the place in which Campion, the Jesuit, wrote his 'Decem Rationes,' and to which books and food were carried by stealth."* The constant liability to inquisitorial searches for priests was a heavy domestic grievance to the oppressed party. The mansion in which a priest was suspected to be harboured was often surrounded in the dead of the night by a party of armed men, demanding admittance with shouts and clamour. Every corner of the house was diligently searched. Even the bed-rooms of the females were not spared. The empty beds were carefully examined, and felt with the hand to ascertain whether their warmth did not betray their recent occupation. The walls and partitions were struck with mallets to find out hollow places; and drawn rapiers were thrust into the chinks of the wainscots. The terror occasioned by these nocturnal visitations is not to be described. Father Greenway mentions that a Mrs. Vavasour, a lady in Yorkshire, was so terrified by a sudden alarm of this kind at midnight that she became hopelessly deranged in her intellect.† For the performance of mass, and other social rites of the Roman Catholic religion, various contrivances were adopted. The more wealthy fitted up a part of their houses as chapels:‡ the plan generally adopted by the Jesuits in

* Butler's Memoirs of the English Catholics, vol. iii. p. 193.

† Parsons's Judgment of a Catholic Englishman, 8vo., 1608. Greenway's MS.

‡ The biographer of Lady Montacute describes with rapture a chapel built by her in her house at Battle Abbey in Sussex, in

the neighbourhood of London, was to take two or three large houses, to which alternately the priests and communicants resorted at stated periods understood among themselves, for the purpose of renewing their vows to their superiors, and also for religious worship. Thus, at the time of the Gunpowder Plot, it appeared that they had taken the manor-house at Erith on the Thames, and a large house called White Webbs, on the borders of Enfield Chase, to be used by them for religious purposes. During the performance of divine service, one of the family, or a confidential servant, was always employed to watch the approaches to the house, in order that the priests might have timely notice of any intended surprise, and save themselves by flight, or by retiring into some of the hiding-places provided for them.

Expectation of the Roman Catholics from James I.

Such was the state of insecurity and alarm in which the English Catholics were placed during great part of the reign of Queen Elizabeth. As her life declined, it was natural that a party so oppressed should direct

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which she had placed "a fair marble altar with steps of ascent to it, and chancels all round it: that nothing might be wanting, she also raised a choir for singing-men, and made a pulpit (*suggestum*) for the priests (a thing which is perhaps not to be found in all the rest of England). Here public service was performed almost every week, and the communion in all its solemn rites was celebrated with singing and musical instruments, and sometimes even with the assistance of a dean and sub-dean. And such was the concourse of Catholics on these occasions, that oftentimes a hundred and twenty persons were present, and sixty persons together received the holy sacrament."—Smith's Life of Lady Montacute, chap. xi.

their attention with much anxiety to her probable successor. Having abandoned all expectation of an avowed Roman Catholic heir to the crown, they were led by many circumstances to look forward with hope to the succession of James. They remembered that he was born of Romish parents, and that he had been baptized by a Romish archbishop. They relied upon the feelings of dislike with which they supposed that he must regard the party who had caused the execution of his mother. They knew that several of the ordinances of the Roman Church were approved by him, and they had heard and believed that he had, on more than one occasion, expressed a willingness to be reconciled to the apostolic see.* Besides these general presumptions of a disposition favourable to their party, the leading Roman Catholics were attached to the cause of James, by the express assurances of a toleration for their religion, which were reported to them from various quarters, and in particular by individuals despatched to Edinburgh for the purpose of ascertaining his intentions upon that subject. Thomas Percy, one of the conspirators in the Gunpowder Plot, had been sent on a mission of this

* See Birch's Negotiations, p. 177. In a conversation with Monsieur de Beaumont, the French ambassador, soon after his arrival in London, James told him, "Qu'il n'étoit point heretique, c'est à dire refusant à reconnoistre la verité; qu'il n'étoit non plus puritain, ni moins separé d'Eglise; qu'il y estimait la hierarchie neecssaire; par conséquent qu'il avoueroit toujours le Pape pour le premier Evêque, en icelle President et Moderateur au Concile, mais non chef ni superieur."—De Beaumont to Henri IV., 23 July 1603. See Dépêches de Mons. de Beaumont, in the MSS. of the King's Library in the British Museum.

kind; and the Earl of Northumberland states, as the result of that mission, that "when Percy came out of Scotland from the King (his Lordship having written to the King, where his advice was to give good hopes to the Catholics, that he might the more easily without impediment come to the crown), he said that the King's pleasure was, that his Lordship should give the Catholics hopes that they should be well dealt withal, or to that effect."* James afterwards strenuously denied that he had ever authorized Percy to convey such a message to the Earl of Northumberland, or had ever given encouragement to the Roman Catholics to expect from him a relaxation of the penal laws passed against them; but the simple denial of James on a point of this kind is not entitled to much credit. On the other hand, it was natural and probable that he should be desirous to secure the favour of so important a body, as the Roman Catholics then were, by such promises and concessions. That he actually made them is proved, not only by the above assertion of the Earl of Northumberland, but by a letter of Mons. de Beaumont, the French ambassador, to Henry IV., dated the 28th March, 1603, when Queen Elizabeth was dying, in which he declares that he had been confidentially informed by the Earl of Northumberland that James had written to him with his own hand, that the Roman Catholic religion should be tolerated.†

* Examination of the Earl of Northumberland, 23 November, 1605.—State-Paper Office.

† Dépêches de Beaumont.

At all events, whether the encouragement to such hopes was actually given by the King or not, there is no doubt of the fact that the English Roman Catholics entertained a confident expectation that upon James's accession some considerable mitigation of the penal laws from which they had so long suffered, would be effected; and that they should in future be allowed the exercise of their religion, if not with perfect freedom, at least under such reasonable and moderate restrictions as would render their condition much more tolerable than it had been during the preceding reign. This persuasion, and the advice of De Beaumont, the French ambassador, induced the nobility and gentry to become warm partisans of James's title; and though upon the death of Elizabeth, the Protestants in various parts of the country hesitated, the Roman Catholics, at that critical moment, in general adopted active measures to secure his succession to the throne.* Thus Sir Thomas Tresham, with considerable personal danger, and against much resistance on the part of the local magistrates and the populace, immediately proclaimed him at Northampton; while his two sons, Francis and Lewis, with his son-in-law, the Lord Mounteagle, supported the Earl of Southampton in holding the Tower of London for his use.†

* Dépêches de Beaumont, 8 April, 1603.

† Petition Apologetical of the Lay Catholics of England. Rushton Papers. The persuasion of the King's inclination to the Roman Catholic religion prevailed also at Rome. The favourable disposition of the Pope towards James appears from a letter written by Robert Ellyot, an English Roman Catholic at Rome, to M. de Lylle

For some time after his accession, the hopes of the Roman Catholics continued to receive encouragement from the conduct of the King towards them. James arrived at London at the beginning of April, 1603; in July immediately following, many recusants of quality and distinction, and amongst them Sir Thomas Tresham, were sent for from various parts of the country to Hampton Court by order of the King, and were assured by the Lords of the Privy Council, with expressions of courtesy and respect, that "it was his Majesty's intention to exonerate the English Catholics from the pecuniary fine of 20*l.* a month for recusancy imposed by the statute of Elizabeth;" and that "they should enjoy this grace and favour so long as they kept them-

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at Paris, immediately after the receipt of the tidings of Elizabeth's death. "His Holiness," says this writer, "and Cardinal Aldobrandino hath a great care of his Majesty's prosperous success, and meaneth to proceed to avoid all occasions that may breed the least suspicion of impediment to his Majesty's quiet establishment, and to invite him by good offices to have consideration of us Catholics, and unite himself with the body of Christendom, thereby to content the world and to establish himself in peace and tranquillity. His Holiness hath made a litany, wherein is included all the saints of England and Scotland, which is to be sung for fifteen days in the churches of Rome for the conversion of the king and his kingdoms; and this being ended, a jubilee *de plenariâ indulgentiâ* is to be granted in our English church for the same end."—(Additional MSS. Brit. Mus., No. 4160, p. 142.) Greenway says in his Narrative that "Clement VIII. long afterwards continued to have a paternal regard for James; and, relying upon the information of persons who little understood the King's real disposition, still hoped for his conversion." De Beaumont in his Despatches frequently alludes to this opinion of the Pope, which he assures his government was totally unfounded, and that the hypocrisy of James had misled Clement in this respect. Nothing, indeed, is more clear than that the King never seriously intended to become Roman Catholic.

selves upright and civil in all true carriage towards the King and State without contempt." To this the Roman Catholic gentlemen answered, "that recusancy alone might be held for an act of contempt." But the Lords replied, "that his Majesty would not account recusancy for a contempt;" and desired that the King's gracious intentions in this respect might be signified generally to the whole body of Roman Catholics.* In confirmation of this official assurance, the fines for recusancy were actually remitted for the first two years of James's reign. It appears from some notes† of Sir Julius Cæsar, who was Chancellor of the Exchequer in 1607, that in the last year of Queen Elizabeth's reign, the sum paid into the receipt of the Exchequer at Westminster, by and for recusants' fines and forfeitures, was 10,333*l.* 9*s.* 7*d.* In the next year little more than 300*l.* was paid at the Exchequer on this account. In the following year, being the second of James's reign, the sum barely exceeded 200*l.*; but in 1605, the year of the Gunpowder Plot, the amount of recusants' fines rises suddenly to more than 6,000*l.* It cannot be denied that these facts tend strongly to confirm the assertions made respecting the promises of the King; for they demonstrate that for some time one of the heaviest oppressions under which the Roman Catholics of England laboured was actually suspended by him.

Other demonstrations of favour to the Roman Catho-

* Petition Apologetical of the Lay Catholics of England.—Letter from Sir E. Digby to Lord Salisbury, in the State-Paper Office.

† Lansdowne MSS. No. 153, p. 206.

lics were made at the same period. Titles of honour and lucrative employments were bestowed upon members of that persuasion, to the grievous discontent of the Protestant subjects, who made strong remonstrances to the King against the countenance shown by him to the obnoxious party.*

But the fond hopes and expectations of the Roman Catholic party were dissipated and destroyed before six months of James's government had passed away. Whatever indecision he may have exhibited, and whatever false impressions may have been created on his first accession to the English crown, and before he had weighed the several interests and ascertained the precise condition of the various parties in his kingdom, there is no doubt that symptoms of a disposition hostile to the Roman Catholics appeared as soon as he felt himself firmly seated on the throne. De Beaumont says,† that "within a month after his arrival in London,* he answered an objection made in conversation to the appointment of Lord Henry Howard to a seat in the Privy Council, on account of his being a Catholic, by saying that 'by this one tame duck he hoped to take many wild ones,' at which the Catholics were much alarmed." De Beaumont further reports, that "he maintained openly at table that 'the Pope was the true Antichrist;' with other like blasphemies, worthy of his doctrine."‡ In the summer of 1603, the obscure

* See Casaubon's Letter to Fronto Ducæus, p. 74.

† Dépêches de Beaumont, 24 Mai, 1603.

‡ Cardinal D'Ossat, in a letter to M. de Villeroy, from Rome, notices these ominous expressions of James: "Ce parler, que fait le

and inexplicable plot of Markham and the priests was discovered; and on the trial of Sir Walter Raleigh, which took place in the November following, Sir Edward Coke declared, in his peculiar phraseology, that "the eyes of the Catholics should sooner fall out than they should ever see a toleration for the Romish superstition; for that the King had declared in the hearing of many, 'I will lose the crown and my life, before ever I will alter my religion.'* In the ensuing February James called together his council, and assured them that "he never had any intention of granting toleration to the Catholics; that if he thought his sons would condescend to any such course, he would wish the kingdom translated to his daughter; that the mitigation of their payments was in consideration that not any one of them had lift up his hand against him at his coming in, and so he gave them a year of probation to conform themselves; which, seeing it had not wrought that effect, he had fortified all the laws that were against them, and made them stronger (saving for blood, from which he had a natural aversion), and commanded that they should be put into execution to the uttermost." His intentions in this respect were publicly declared by

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Roi d'Angleterre en public, et à table, des choses plus serieuses, et même contre l'autorité du Pape et du Saint Siège, ne semble pas correspondre à l'opinion, que quelques-uns ont eûe de sa prudence; si ce n'est qu'il le fasse à dessein, pour éviter quelque difficulté qu'il penseroit trouver à son plein établissement, si on le tenoit pour disposé à se faire un jour catolique."—Lettres du Cardinal D'Ossat tom. v. p. 280.

* See Criminal Trials, vol. i. p. 403.

the Lords in the Star-Chamber, and signified by the Recorder to the City of London.* A proclamation was issued about the same time, dated the 22nd February, 1603—4, in which the King, after protesting that he had "never intended, nor given any man cause to expect, that he would make any innovation in matters of religion," commanded all Jesuits, Seminarists, and other priests, to depart the realm before the 19th of March following, and not to return, under the penalty of being left to the rigour of the laws.† In his speech on opening the Parliament on the 22nd March, 1603–4, though he talks of revising the laws against Roman Catholics, and of "clearing them by reason in case they had been in times past more rigorously executed by judges than the meaning of the law was," he inveighs against the Roman Catholic clergy, and declares that "as long as they continue to maintain their most obnoxious doctrines, they are in no way sufferable to live in this kingdom."‡ These repeated threats and declarations by the King were practically enforced by proceedings in Parliament, and generally throughout the country; and they distinctly indicated to the dismayed Roman Catholics a return to the persecutions and indignities of the reign of Elizabeth. Bills disabling recusants to sit in Parliament, and prohibiting the importation or printing of Popish books, were rejected in the House of Commons by small majorities; but an Act § was passed, after much discussion in both houses,

* Winwood, vol. ii. p. 49. † Rymer's Fœdera, vol. xvi. p. 572.
‡ Commons' Journals, vol. i. § 1 Jac. I., c. 4.

declaring that all the laws of Elizabeth against Jesuits and Priests were to be put in due and exact execution. Two-thirds of the estates of recusants, and all their moveable goods, were directed to be seized in satisfaction of the fine of 20*l.* a month, imposed by the 29th of Elizabeth; and commissions immediately issued for the valuation of such lands and goods. In the following year the recusancy fines, neglected or remitted for several preceding years, amounting in some cases to very large sums of money, were suddenly demanded; and recusants of large property, who had managed to evade the payment of them during the reign of Elizabeth, were at once reduced to beggary by being called upon for tremendous arrears. Those who could have paid the fines from month to month as they accrued, were utterly ruined by the accumulation of penalties now rigorously exacted at a single payment.* There was a circumstance, too, in connexion with the exaction of the recusancy fines, which much inflamed the indignation of the Roman Catholics. James had brought with him from Scotland a number of needy followers, who, having spent their small substance in riotous extravagance on the King's arrival in England, had now to repair their broken fortunes. To these court paupers the lands and goods of wealthy recusants were assigned by name; and thus the Roman Catholic nobility and gentry were driven to compound with greedy foreigners for the preservation of their estates.†

* Greenway's MS.

† Osborne's Memoirs of the Reign of King James, chap. x.

In the course of this session of Parliament a bill was introduced, declaring that all persons who had been educated in Roman Catholic seminaries abroad should be incapable of taking or holding any lands or goods within the King's dominions. By another part of this enactment, persons professing the Roman Catholic religion were in effect disabled from educating their children in their own faith; for if they maintained a schoolmaster in their own houses, who did not go to church, or who was not licensed by the bishop of the diocese, they were liable to forfeit 40*s.* for every day they retained him, the schoolmaster himself being subject to a similar fine; and if they sent their children to be educated abroad, they were liable to a penalty of 100*l.* It was quite natural that the Roman Catholics should behold these proceedings with feelings of disappointment and indignation, proportioned to their previous expectation of favour. On the third reading of the above-mentioned statute in the House of Lords, which passed by a large majority, Lord Montague, a Roman Catholic peer, rose in his place, and expressed his opinions and feelings against the measure with so much warmth, that the House committed him to the Fleet.*

Sir Everard Digby, in a letter† to Lord Salisbury, boldly declares the causes and the dangers of the prevalent dissatisfaction among the Catholics: "If," says he, "your Lordship and the State think it fit to deal

* Lords' Journals, 25 and 26 June, 1604.

† State-Paper Office.

severely with the Catholics, within brief there will be massacres, rebellions, and desperate attempts against the King and State. For it is a general received reason amongst Catholics, that there is not that expecting and suffering course now to be run that was in the Queen's time, who was the last of her line, and last in expectance to run violent courses against Catholics; for then it was hoped that the King that now is, would have been at least free from persecuting, as his promise was before his coming into this realm, and as divers his promises have been since his coming. All these promises every man sees broken."

Still, though all were alike disappointed and discontented, it is clear that the general body of the English Roman Catholics did not at this time contemplate forcible measures for the removal of their grievances. Many, however, and in particular those who were attached to the Jesuits' party, now wholly despaired of obtaining from the justice of the King, or by peaceable means, any alleviation of their degradation and misery. Individuals of that party, therefore, who afterwards became active conspirators in the Gunpowder Plot, resumed a negotiation with the King of Spain, which had been commenced and favourably entertained during the last year of Elizabeth's reign. The object of the former negotiation had been to obtain the assistance of Spanish money, and a Spanish army in England, and to promise the active and armed cooperation of the English Roman Catholics. The object of the present message was the same, represent-

ing the hopeless state of the Roman Catholics, and inviting the King of Spain to land an army at Milford Haven, in aid of a projected rising of the disappointed party in the western counties of England. But although the Spanish King had lent a ready ear to the former invitation, he was at this point of time desirous of concluding an advantageous peace with James, and therefore declined to interfere, except in the form of remonstrance and advice.

CHAPTER II.

Plot originally contrived by Robert Catesby—Account of him—His family history—Discloses the scheme to John Wright and Thomas Winter—Account of them and their respective families—Further development of the plot—Guy Fawkes taken into the confederacy—Account of him and his family—Thomas Percy joins the conspiracy—His character—Oath of secrecy—House taken for the purposes of the conspirators—Robert Keyes taken into the confederacy—Treaty of peace between Spain and England—Further preparations of the conspirators—Mr. Pound's case—Commencement of the mine—Ultimate views of the conspirators—Discussion of notice to be given to Roman Catholic peers—Parliament prorogued from February 7th to October 3rd—John Grant and Robert Winter taken into the confederacy—Account of them—The working the mine—The bell in the wall—Hiring the coal-cellar—Fawkes despatched to Flanders to obtain foreign aid—Prosecution of recusants continued—Mission of Sir Edmund Baynham to Rome—Parliament again prorogued to November 5th—Catesby's preparation of an armed force—Sir Everard Digby, Ambrose Rookwood, and Francis Tresham taken into the confederacy—Catesby partially communicates the design to Humphrey and Stephen Littleton.

Scheme of a Powder Plot.

It appears to have been about the time of the open declaration of James's intentions respecting the Roman Catholics, and of the failure of the negotiation with the King of Spain, namely, in the spring and summer of 1604, that the design of blowing up the House of Lords with gunpowder, at the opening of the Parlia-

ment, and thus destroying, at a single blow, the King, the Lords, and the Commons, first presented itself to the mind of Robert Catesby. It has been suggested, that the notion of an explosion may possibly have originally occurred to his mind in consequence of an accident by gunpowder, mentioned by Stow* as having taken place on the 27th of April, 1603, and by which thirteen men were killed. It is not, however, necessary to recur to this accident for the suggestion of the scheme. This was not by any means the first instance of a gunpowder plot. "There be recounted in histories," says Father Parsons, in his 'Letter touching the New Oath of Allegiance,' "many attempts of the same kinds, and some also by Protestants in our days; as that of them, who at Antwerp placed a whole bark of powder in the great street of that city, where the Prince of Parma, with his nobility, was to pass; and that of him in the Hague, that would have blown up the whole Council of Holland upon private revenge." Indeed the same project of blowing up the Parliament House with gunpowder, is said to have been formed in the time of Queen Elizabeth.†

Robert Catesby.

Robert Catesby, to whom the original contrivance of the Gunpowder Treason is usually ascribed, was at the commencement of the seventeenth century the sole representative of one of the most distinguished families in England. He was the lineal descendant of that William Catesby, who was the favourite minister of

* Stow's Chronicle, p. 818.

† Abbott's Antilogia, p. 137.

Richard III., and who, being taken prisoner at Bosworth Field, was afterwards attainted and executed for High Treason. This attainder was afterwards reversed; and the large estates in Northamptonshire, Warwickshire, and Oxfordshire, which his ancestors had possessed for centuries, were transmitted to Robert Catesby.* His father, Sir William Catesby, who died in 1598,† became a convert to the Roman Catholic religion in 1580,‡ and was frequently imprisoned for recusancy. His mother was a daughter of Sir Robert Throckmorton of Coughton, and a sister of Thomas Throckmorton, whose persecutions on account of his religion have been above related. At the period of the Gunpowder Plot Lady Catesby was still living, and resided at Ashby St. Legers in Northamptonshire. Robert Catesby, who was an only son, was born at Lapworth, in Warwickshire, one of his father's estates, in 1573; and was entered at Gloucester Hall (now Worcester College), in Oxford, in 1586.§ In 1592, before he was of full age, he married a daughter of Sir Thomas Leigh, of Stoneleigh, who was a Protestant gentleman of conspicuous wealth and influence in the county of Warwick, and the ancestor

* Dugdale's Warwickshire, p. 586.

† Parish Register of Ashby St. Legers.

‡ More's Historia Societatis Jesu, p. 74.

§ Fullman's MSS. at Corpus Christi College, Vol. II. Dod, in his Church History, vol. ii. p. 380, says that "Gloucester Hall was a house very much suspected for their inclination towards the old religion, several of the sojourners there being privately of that communion." Francis Tresham is said to have belonged to Gloucester Hall. See Wood's Ath. Oxon. vol. i. p. 754, edit. Bliss.

of the present Lord Leigh. Sir Thomas Leigh settled considerable property to the uses of the marriage.* Within a year after his marriage, Catesby came into possession of the estate of Chastleton, upon the death of his grandmother, and resided there until his sale of that property in the year 1602. In the meantime, his wife died, leaving him with an only son, who at the time of the Gunpowder Plot was about ten years old.† Although Robert Catesby was sole heir in expectancy to the large estates of the Catesby family, none of them excepting Chastleton ever came into his actual possession, being under settlement to his mother Lady Catesby, who survived him. Father Greenway seems, therefore, to have been mistaken in his statement, that he derived great wealth immediately upon his father's death in 1598.

Dr. Lingard asserts that Robert Catesby was originally a Protestant, and his marriage into a Protestant family appears to countenance the suggestion. Father Greenway, however, does not notice this fact, and describes Catesby as enthusiastically attached to the Roman Catholic religion, and as devoting himself

* Marriage Settlement of Robert Catesby and Catherine Leigh, dated 2nd March, 34 Eliz. 1591-2. Orig. in possession of the present proprietor of Chastleton.

† "Robert Catesbie, son of Robert Catesbie, was baptized the 11th day of Nov. 1595." Parish Register of Chastleton. This child was in London at the time of the discovery of the Plot and his father's flight. See William Andrews's Examination at Leicester, and State Paper Office; and Richard Parker's Examination, Nov. 9, 1605. What subsequently became of him is unknown; but it has been said, though without sufficient authority, that he afterwards married a daughter of Thomas Percy. See Baker's Northamptonshire.

with the utmost fervour to the task of rescuing the adherents of the ancient faith from the bondage under which they laboured. Having with this object entered warmly into the Earl of Essex's insurrection, he was wounded and taken prisoner on that occasion; and with difficulty, and by means of the great exertions of his friends, purchased his pardon by a fine of 3,000*l.** He was afterwards involved in all the treasonable projects of the discontented Roman Catholics during the last two years of Queen Elizabeth's reign; and it appears from a letter of Camden's, dated only nine days before the Queen's death, that Catesby and several other gentlemen "hunger-starved for innovations," among whom were Sir Edward Baynham, and the two Wrights, (all of them conspirators in the Gunpowder Treason,) were at that time committed by the Lords of the Council for some seditious movements.†

Father Greenway describes Catesby's person as above six feet in stature, and his countenance as exceedingly noble and expressive. He says that his conversation and manners were peculiarly attractive and imposing, and that by the dignity of his character,

* Lingard's History, vol. ix. p. 32; Lodge's Illustrations, vol. iii. p. 120. The sale of Chastleton to the ancestor of the present proprietor in May 1602, for the sum of 4,000*l.*, seems to show that Catesby sold his estate to save his life on this occasion. For those who take an interest in the question of Bacon's conduct in the prosecution of the Earl of Essex, it may be worth while to remark that 1,200*l.* of Catesby's fine for the Essex treason, was paid to Sir Francis Bacon. See Council Book, August, 1602.

† Camdeni Epistolæ, p 347.

he exercised an irresistible influence over the minds of those who associated with him.

It is uncertain, and not very material, whether in order of time Catesby first disclosed his scheme to John Wright or to Thomas Winter. The latter, in his confession, published in the 'Discourse of the Manner of discovering the Gunpowder Plot,' says, that when he first came to London, about Lent, 1603-4, at the urgent solicitation of Catesby, he found him and John Wright together at Lambeth, and that Catesby then declared his project to him; and though he does not expressly state that Wright was previously acquainted with it, that fact seems to be almost a necessary inference from his relation. At all events it appears certain that Catesby, Wright, and Winter, were the only persons who were privy to the design before the journey of the latter into Flanders. Fawkes expressly says,* that these "three first devised the Plot, and were the chief directors of all the particularities of it."

John Wright.

John Wright was descended from a respectable family in Yorkshire, the Wrights of Plowland in Holderness. At the time of the Powder Plot his permanent residence was at Twigmore in Lincolnshire. He had been a Protestant, and since his conversion had been harassed with persecutions and imprisonment. His friendship with Catesby and Thomas Winter was of long standing, and he was intimately connected

* Fawkes' Examination, Nov. 19, 1605.—State-Paper Office. Tanner's MSS. in the Bodleian Library, lxxv. p. 196.

with Thomas Percy, who had married his sister. As soon as he became a party to the Plot, he removed from his estate in Lincolnshire to a house belonging to the Catesby family at Lapworth in Warwickshire. John Wright was said to be one of the best swordsmen of his time:* both he and his brother Christopher, who was also a party to the confederacy, were actively engaged in the Earl of Essex's rebellion; and Christopher Wright had been employed on a treasonable embassy to the King of Spain from the English Roman Catholics soon after the death of Elizabeth.

Thomas Winter.

Thomas Winter was a younger brother of Robert Winter of Huddington, the head of a family which had been in possession of large estates in Worcestershire since the time of Henry VI. The Winters were zealous Roman Catholics, and being connected by marriage with the Throckmortons of Coughton, were thus related to Catesby and Tresham; and on their mother's side they were connected with Charles Neville, Earl of Westmoreland, one of the Roman Catholic lords who headed the unfortunate rising in the north in 1570. Thomas Winter had been deeply engaged in all the plots and intrigues of his party at the close of Elizabeth's reign, and in 1601, had been sent by them into Spain expressly to treat with the Spanish King for the aid of an armed force. Previously to that time, he had served several years against the King of Spain in the army of the States, but had quitted his military service under a Protestant power

* Greenway's MS.

on account of religious scruples. He was afterwards employed as secretary, or in some occupation of a similar nature, to Lord Mounteagle. Winter was an accomplished and able man, familiarly conversant with several languages, the intimate friend and confidant of Catesby, and of great account with the Roman Catholic party generally, in consequence of his talents for intrigue and his personal acquaintance with ministers of influence in foreign courts.*

Three Conspirators meet at Lambeth.

At their meeting at Lambeth, Catesby informed Winter that "he had bethought him of a way at one instant to deliver them from all their bonds, and, without any foreign help, to replant again the Catholic religion;" and then plainly told him that "his plan was to blow up the Parliament House with gunpowder; for," said he, "in that place they have done us all the mischief, and perchance God hath designed that place for their punishment." Winter was startled, and hesitated, saying, "that true it was, this struck at the root, and would breed a confusion fit to beget new alterations; but if it should not take effect (as most of this nature miscarried), the scandal would be so great which the Catholic religion might thereby sustain, as not only their enemies but their friends also would, with good reason, condemn them." Catesby replied, "the nature of the disease required so sharp a remedy," and asked Winter if he would give his consent. Winter answered, that "in this or what else soever, if Catesby resolved upon it, he would venture his life;'

* Greenway's MS.

but suggested some practical difficulties, such as "want of a proper house, and of one to carry the mine, noise in the working, and such like." "Let us give the attempt," said Catesby, "and where it faileth, pass no further. But first," added he, "because we will leave no peaceable and quiet way untried, you shall go over and inform the Constable * of the state of the Catholics here in England, entreating him to solicit his Majesty at his coming hither, that the penal laws may be recalled, and we admitted into the rank of his other subjects; withal you may bring over some confident gentleman, such as you shall understand best able for this business." For this purpose Catesby named Fawkes, who was already well known to the discontented Roman Catholics in England as willing to engage in any enterprise for the restoration of the ancient religion.† In compliance with this suggestion, Winter repaired to the Netherlands. In his conference with the Constable Velasco at Bergen, he received general assurances of goodwill on the part of the King of Spain towards the English Roman Catholics, but no encouragement to expect that the Ambassador would stipulate decisively for their relief in the treaty of peace which was then in the course of arrangement; and these impressions being confirmed by Sir W. Stanley and other English Roman Catholics, then in the

* This was Velasco, the Constable of Castile, who had arrived in Flanders on his way to England, to conclude a peace between James and the King of Spain.

† These particulars are taken from Thomas Winter's Confession, in the 'Discourse of the Gunpowder Plot.'

military service of the Archduke in Flanders, he returned into England, taking Fawkes along with him, who had been further recommended to him by Father Owen and the priests there as a "fit and resolute man for the execution of the enterprise."*

Guy Fawkes.

Guido, or Guy Fawkes, whose name has been more generally associated with this Plot than that of any of the other conspirators, in consequence of the prominent part he undertook in the execution of it, was a gentleman of good family, and respectable parentage in Yorkshire. His father, Edward Fawkes, was a notary at York, and held the office of Registrar and Advocate of the Consistory Court of the Cathedral Church there.† Edward Fawkes died in 1578, leaving a son, Guy, and two daughters. There is reasonable evidence to show that Guy Fawkes received his early education in a

* Fawkes's Confession, Nov. 19, 1605.—State-Paper Office.

† The proof of this identification of Guy Fawkes is sufficiently complete. In an Examination, dated the 7th of November, 1605, in which he, for the first time, gives his real name, Fawkes says, that he "was born in the city of York, and that his father's name was Edward Fawkes, a gentleman, a younger brother, who died about thirty years before, and left to him but small living, which he spent." Now it appears from certain proceedings in the Star-Chamber in 1573, the record of which is still extant, that an Edward Fawkes, a notary, was at that time living at York in a respectable sphere of life; and in the register of burials in St. Michael-le-Belfrey, at York, is the following entry: "Mr. Edward Fawkes, Register and Advocate of the Consistory Court of the Cathedral Church of York, about forty-six years of age, buried in the Cathedral Church, January 17th, 1578." Among the baptisms of the same parish appears the name of Guy Fawkes, son of Edward Fawkes, with the date of April 16th, 1570. Those who may be inclined to pursue the proofs of this identification, and to learn more of the family history of Guy Fawkes, will be gratified by referring to an extremely interesting tract published anonymously in 1850, entitled "The Fawkes's of York in the 16th Century."

free-school near the city of York, founded by a charter of Philip and Mary, and placed under the patronage of the Dean and Chapter; and it is said that two persons afterwards highly distinguished by station, learning and virtue, Thomas Morton, Bishop of Durham, and Sir Thomas Cheke, were his schoolfellows there.* There is no doubt that the parents of Fawkes were Protestants, and it may therefore be assumed that he received his earliest education among the adherents of the Protestant faith. His mother having married a member of a zealous Roman Catholic family a few years after his father's death, he probably became an inmate of his stepfather's house from that time, and would naturally be brought up in his stepfather's religion.† Having spent the small property which he inherited from his father, he enlisted as a soldier of fortune in the Spanish army in Flanders, and was present at the taking of Calais, by the Archduke Albert, in 1598. He was well known to the English Roman Catholics, and had been despatched by Sir William Stanley and Owen, from Flanders, to join Christopher Wright on his embassy to Philip II., immediately after Queen Eliza-

* Fuller's Worthies, vol. ii. p. 540. Strype's Life of Sir John Cheke, ed. 1705, p. 190.

† The Fawkes's of York, p. 32. At the time of the gunpowder plot, his mother was still living. Sir William Waad, in a letter to Lord Salisbury, reporting a conversation with Fawkes, says, "Fawkes's mother is alive and remarried, and he hath a brother in one of the Inns of Court. John and Christopher Wright were schoolfellows of Fawkes, and neighbour's children. Tesmond the Jesuit was at that time schoolfellow also with them. So as this crew have been brought up together."—State-Paper Office, Additional Papers, No. 48.

beth's death. Father Greenway, who knew all the conspirators intimately, describes him as "a man of great piety, of exemplary temperance, of mild and cheerful demeanour, an enemy of broils and disputes, a faithful friend, and remarkable for his punctual attendance upon religious observances." His society is stated, by the same authority, to have been "sought by all the most distinguished in the Archduke's camp for nobility and virtue." If this account of his character is correct, we are to look upon this man, not according to the popular notion, as a mercenary ruffian, ready for hire to perform the chief part in any tragedy of blood, but as an enthusiast whose understanding had been distorted by superstition, and in whom fanaticism had conquered the better feelings of nature. His language and conduct after the discovery of the Plot are characteristic of a resolute fanatic, acting upon perverted notions of right and wrong, but by no means destitute of piety or humanity.

Thomas Winter returned to London with Fawkes, about the latter end of April, 1604, and reported to Catesby the slender encouragement he had received from the Constable to expect any material assistance from the King of Spain or himself in the way of negotiation. This result of the mission had probably been anticipated by Catesby, who seems to have only suggested it in order to remove the conscientious scruples of Winter.

Thomas Percy.

A few days after Winter's return, Thomas Percy, one of the most prominent characters in this transaction,

came to London, probably upon Catesby's invitation. Percy was confidential steward to Henry Earl of Northumberland, who had appointed him one of the band of gentleman-pensioners. It is clear that he was related to the Earl of Northumberland, but the precise branch of that family to which he belonged has never been satisfactorily ascertained.* In his youth Percy is said to have been dissipated and licentious, but since his conversion to the Catholic faith, he, like Catesby, had become an enthusiastic devotee. Father Greenway says that he also was originally a Protestant, and that at the period of the Gunpowder Plot "he was about forty-six years of age, though, from the whiteness of his head, he appeared to be older; his figure was tall and handsome; his eyes large and lively, and the expression of his countenance pleasing, though grave; and notwithstanding the boldness of his character, his manners were gentle and quiet."† He had been employed, as

* It has been suggested that he belonged to a family who had been settled for several generations at Scotton, in the parish of Farnham, in the West Riding of Yorkshire; but this suggestion rests entirely upon the fact that Guy Fawkes had undoubtedly resided at Scotton after the death of his father, and the peculiar connection subsisting between these two conspirators.—See "The Fawkes's of York," p. 33. On the other hand, the Percies of Scotton were very distantly, if at all, connected with the Earl of Northumberland. Percy is always spoken of as a near kinsman of that nobleman – Winwood's Memorials, vol. ii. p. 170. The Earl himself calls him his kinsman.—Collins's Peerage, vol. iv. p. 139. Another conjecture is, that he was a younger son of Edward Percy, of Beverley, a grandson of the fourth Earl of Northumberland, and some facts have been industriously collected to support this identification; but they by no means amount to sufficient proof.—Collectanea Genealogica et Topographica, vol. ii., p. 60.

† Greenway's MS.

above related, by the Earl of Northumberland, on a mission to the King in Scotland, previously to the death of Elizabeth, for the purpose of ascertaining the disposition of James towards the Roman Catholics. He returned into England with assurances of James's favourable intentions, reporting to the Roman Catholics the King's promise of a full toleration of their religion, and urging them on that ground to support his title. When the King afterwards adopted a course of conduct totally different from these assurances, the mind of Percy was filled with deepest distress and indignation. He imagined that his Roman Catholic brethren regarded him with suspicion or contempt, as one who had been used either as a willing instrument, or as a dupe, for the purpose of betraying them; and in this state of mind, he was prepared to yield his ready assistance to any scheme, which might enable him to vindicate the sincerity of his devotion to the Roman Catholic cause.

Arrangement of the Conspiracy and Oath of Secrecy.

Upon Percy's joining Catesby at his lodging in London, Thomas Winter, John Wright, and Fawkes were present. Percy's address to them as soon as he came into their company was, "Well, gentlemen, shall we always *talk*, and never *do* anything?" Catesby then drew him aside and whispered to him of something to be done, but proposed that before the particulars of the scheme should be disclosed, all of them should take a solemn oath of secrecy. This was agreed to; and accordingly a few days afterwards they met by appointment at a house in the fields beyond

St. Clement's Inn, and Catesby, Percy, Thomas Winter, John Wright, and Fawkes, then severally took an oath in the following form: "You shall swear by the blessed Trinity, and by the sacrament you now propose to receive, never to disclose directly or indirectly, by word or circumstance, the matter that shall be proposed to you to keep secret, nor desist from the execution thereof until the rest shall give you leave." This oath was administered to them by each other in the most solemn manner, "kneeling down upon their knees with their hands laid upon a primer."* Immediately after they had taken the oath, Catesby explained to Percy, and Winter and Wright to Fawkes, that the project intended was to blow up the Parliament House with gunpowder when the King went to the House of Lords. This was approved by both of them; and after some consultation and discussion, respecting the means of effecting their purpose, they all adjourned to an upper room in the same house, where they heard mass, and received the sacrament from Father Gerard, a Jesuit missionary, in confirmation of their vow. But both Fawkes and Thomas Winter (who were the only individuals of this party who could be examined as to this fact after the discovery of the plot, Catesby, Wright, and Percy having been slain in Worcestershire) declare that the secret was not imparted to Gerard.

Ferris's House taken by Percy.

During Winter's absence in the Netherlands, Catesby had made inquiries respecting a house situated next to

* Thomas Winter's Confession in the 'Discourse of the Gunpowder Plot.'

the Parliament House, which seemed particularly well adapted to the purpose of the conspirators. This house he found was held by one Ferris, as tenant to Whinneard, the keeper of the King's wardrobe: it was now arranged that Percy should purchase the interest of Ferris in the house, under the pretence that it was conveniently situated for his occasional residence, while discharging the duties of his office of gentleman-pensioner. The house was accordingly taken in Percy's name.* From the cellar of this house a mine was to be made through the wall of the Parliament House, and a quantity of gunpowder and combustibles to be deposited immediately under the House of Lords. It was arranged that Fawkes, who was not known in London, should receive the keys, and keep possession of the house, under the assumed name of Johnson, as Percy's servant. Soon afterwards the Parliament was adjourned until the 7th of February following; and upon this the conspirators agreed to depart into the country, and to meet again about the beginning of November. In the interval it was thought desirable that a house should be taken at Lambeth, at which the timber required for constructing the mine, and also the powder and other combustibles, might be collected in small quantities at a time, and afterwards removed by night to the house at Westminster. The custody of the house at Lambeth was, at Catesby's suggestion, committed to Robert Keyes, who, after being sworn in

* The original agreement with Ferris for the house, dated 24th May, 1604, may be seen at the State-Paper Office.

the same manner as the others, was intrusted with the secret, and received into the number of conspirators, shortly before Midsummer.

Robert Keyes.

There is reason to believe that Robert Keyes, Key, or Kay, was the son of Edward Kay, a Protestant clergyman, of Stavely in the north of Derbyshire, who was himself a younger son of John Kay of Woodsam in Yorkshire, from whom the Baronets of that name are lineally descended. The mother of Robert Keyes was a daughter of Sir Robert Tyrwhitt of Kettleby, a Roman Catholic gentleman, of great opulence in Lincolnshire. Keyes seems to have been in indigent circumstances: Father Greenway says, that "he was introduced merely for the sake of his personal services, having no estates, and no more money than was necessary to support himself and his wife." He is described as of Glatton in Huntingdonshire; but for some time previously to this period, he had been with his family an inmate in the mansion of Lord Mordaunt, at Turvey in Bedfordshire, and his wife was employed in bringing up the children of that nobleman.* Lord Mordaunt's intimacy with Keyes was a circumstance which was afterwards strongly pressed against him in the Star-Chamber, as indicating his privity to the Plot.

Treaty of Peace between Spain and England.

In the course of the autumn of 1604, the treaty of peace between Spain and England was concluded. The Constable, Velasco, interceded for the English Roman Catholics, and assured James that the King of Spain

* Lord Mordaunt's Examination, 4th February, 1605, in the State-Paper Office.

would regard any indulgence shown to them as a favour conferred upon himself; but their toleration was not expressly insisted upon: and James and his advisers saw plainly, that however urgently the King of Spain might press the point, he was not disposed to sacrifice to the attainment of that object the solid advantages he flattered himself he had gained by the treaty of peace. Unrestrained, therefore, by any fear of hostile interference on the part of the King of Spain, the Government now proceeded with renewed activity to enforce the penal laws against the Roman Catholics. Express instructions to this effect were again given to the Judges in the Star-Chamber, previously to their leaving London on the summer circuits; the domiciliary searches were renewed with more rigour than ever; and a new commission issued for the effectual expulsion of the Jesuit missionaries.*

Resolution to proceed with the Mine.

The conspirators, united and exasperated by these proceedings, which had entirely removed all scruples of conscience and humanity respecting their sanguinary project, met in London shortly before Michaelmas term, according to the agreement they had made previously to their separation. It was then determined to proceed at once with the mine; and Fawkes was despatched to the house at Westminster in his assumed character of Percy's servant, to make observations and prepare the means of operation. An unexpected impediment arose from the circumstance that the Parliamentary Commissioners for arranging the proposed union between

* Greenway's MS. Rymer's Fœdera, vol. xvi. p. 597.

Scotland and England had appointed to hold their meetings in the house taken by Percy. In consequence of this difficulty, though they had collected a large quantity of powder, the commencement of the mine was deferred for about a month. During the interval a transaction took place, not mentioned by historians of this period, which excited extreme interest amongst the whole body of English Roman Catholics.

Pound's Case.

It appears that at the assizes at Manchester, in the summer of 1604, several Jesuits or seminary priests, were tried, condemned, and executed under the statute 27th Elizabeth, for high treason, in remaining within the realm after the time prescribed by the royal proclamation. The judges of assize for the northern circuit, Baron Savile and Serjeant Phillips, were reported to have uttered strong invectives against the Roman Catholics on occasion of these prosecutions; and the former in particular was said to have declared as law to the grand jury, that all persons attending upon the celebration of mass, by a Jesuit or seminary priest, were guilty of felony. Upon this, Mr. Pound, an aged Roman Catholic gentleman residing in Lancashire, who had been imprisoned in Queen Elizabeth's time on account of his religion, presented a petition to the King, complaining generally of the persecution of the Roman Catholics, and in particular of the rigorous proceedings and alarming doctrines of the Judges at Manchester. The language of the petition was respectful, and the petitioner merely stated the facts as represented to him, and prayed for a commission to

examine into their truth. He was immediately arrested and carried before the Privy Council; and, after an examination, was prosecuted by the Attorney-General in the Star-Chamber for a contempt. The information in the Star-Chamber was heard on the 29th of November, 1604, before the Lord Chancellor Egerton, Chief Justice Popham, the Archbishop of Canterbury (Bancroft), the Bishop of London, the Earl of Salisbury (then Viscount Cranburne), the Lord Burleigh, and several other judges and members of the Privy Council. No pains were spared to render this judicial proceeding against an inoffensive old man as imposing as possible. Sir Edward Coke inveighed violently against the doctrines and practices of the Romanists; the Lords of the Council and Judges followed in the same strain;* and in the end, Mr. Pound was sentenced by the Court to be imprisoned in the Fleet during the King's pleasure; to stand in the pillory, both at Lancaster and Westminster, and to pay a fine of one thousand pounds. Many members of the Court proposed to add to this severe sentence, that the old man should be nailed to the pillory, and have both his ears cut off. This barbarous proposition was negatived by a majority of one or two voices only.† These proceedings, together with the unremitted search

* The Archbishop of Canterbury said, that "all Catholics held themselves so strictly tied by the rules of their religion, as never one to accuse another; therefore," said he, "nothing is to be discovered from them but by *putting some Judas among them*."—Rushton Papers.

† Rushton Papers. See Winwood's Memorials, vol. ii. p. 36, where this sentence is somewhat differently stated.

for priests, the rigorous exaction of recusancy fines, in manifest breach of the repeated promises made by the King to the contrary, and the whispers of still more severe measures intended in the ensuing Parliament, filled the minds of the Roman Catholics at this period with indignation and despair.

Commencement of the Mine.

Catesby and his confederates assembled in London, according to their previous arrangement, about the 11th of December, at which time the conspirators, with the exception of Keyes, who remained at first at Lambeth, entered the house late at night. They had provided themselves with tools fit for making their excavation, and had taken with them a quantity of hard eggs, baked meats, and pasties, in order to avoid exciting suspicion by going frequently abroad for provisions. They began their work immediately by carrying a mine up to the stone-wall which separated the house in which they were from the Parliament House. This wall proved to be three yards in thickness, and finding their undertaking to be one of much greater labour and difficulty than they had anticipated, they first sent for Keyes from Lambeth, and then enlisted into their party Christopher, John Wright's brother, to assist at the work. "All which seven," says Fawkes,* "were gentlemen of name and blood; and not any was employed in or about this action—no, not so much as in digging and mining—that was not a gentleman. And while the others wrought, I stood as sentinel to descry any man that came near; and when

* Fawkes's Examination, 8th November.—State-Paper Office.

any man came near to the place, upon warning given by me, they ceased until they had again notice from me to proceed; and we seven lay in the house, and had shot and powder, and we all resolved to die in that place before we yielded or were taken." All day long they worked at the mine, carrying the earth and rubbish into a little building in the garden behind the house, and at night they removed it from the building into the garden, spreading it abroad, and covering it carefully over with turf. In this manner these determined men worked without intermission until Christmas-eve; and during the whole of that time not one of them showed himself in the upper part of the house, or was ever seen by the neighbours or passengers, excepting Fawkes, who wore a porter's frock over his clothes by way of disguise, and passed for a servant keeping the house for his master Percy. Their principal reason for keeping close was to avoid raising a suspicion (which if so many notorious Roman Catholics had been observed resorting to one house, would naturally have occurred) that they assembled there for religious purposes; and in that case a diligent search might have been instituted for the priest, which would at once have discovered the scheme.

Discussion of plans of operation.

During their laborious employment at this time they had much consultation respecting the plans to be adopted after the destructive project had taken effect. All the parties who were subsequently examined declared, that it was the intention to have proclaimed one of the royal family as king. Prince Henry they

concluded would accompany the King to the Parliament House, and perish there with his father. The Duke of York, afterwards Charles I., would then be the next heir, and Percy undertook to secure his person, and carry him off in safety as soon as the fatal blow was struck. If this scheme should fail, the princess Elizabeth, who was under the care of Lord Harrington, at his house near Coventry, might be easily surprised and secured by a party to be provided in the country. At all events, it was arranged that Warwickshire should be the general rendezvous, and that supplies of horses and armour should be sent to the houses of several of the conspirators in that county, to be used as occasion might require.

Question of notice to Catholic Lords.

They had at this time many discussions respecting the particular Lords whose lives should be saved by warning them to absent themselves from the first meeting of the parliament. Upon this subject there was always a difference of opinion amongst them; in consequence of which, no particulars were then settled, though it was understood generally that all who were Catholics, or disposed to favour Catholics, should, by some means or other, be saved. They also often discussed the propriety of communicating with Roman Catholic Governments abroad; but the majority appear to have determined not to disclose the scheme to any foreign princes, as they could not be bound by an oath of secrecy, and therefore might betray the project if they disapproved of it. Father Greenway says, that they "decided not to disclose the particulars of their design

to the Pope, Clement VIII., because they knew that his holiness expected relief for the Catholics from negotiation with James, for whom he had a paternal regard, and of whom he was induced to hope much by the information of persons who did not understand the King's real character; and that he had with this view enjoined all who acknowledged his jurisdiction in England, to abstain from acts of violence and await the result with patience."

Prorogation of Parliament on 7th of February, to 3rd of October.

In the midst of their deliberations on these points, Fawkes brought intelligence that the Parliament had been again prorogued from the 7th of February to the 3rd of October following. This information gave the conspirators satisfaction, as it allowed them abundance of time to mature the details of their plan, and to obtain some additions to their number. They agreed, therefore, to separate till after the Christmas holidays, and then to meet and renew their toilsome occupation. It was suggested that the interval should be spent by each in his ordinary mode of life; and that in order to avoid suspicion, they should associate together as little as possible, and that, above all, no written communication should take place between them upon the subject of the plot. Previously to their temporary separation, however, permission was given to Catesby and Percy, at any time, with the consent of one of the other conspirators, to communicate the secret to such persons as they thought fit to be intrusted with it; Catesby saying, "that many might be willing that he should know of their privity, who would not consent that their names should be given to all the com-

pany." Under this understanding, John Grant, of Norbrook, near Warwick, and Robert Winter, of Huddington, were sent for to Oxford, by Catesby, in the month of January, 1604-5, and after having taken the oath of secrecy in the presence of Catesby and Thomas Winter, were informed of the full particulars of the plot and admitted as confederates.*

John Grant. John Grant was descended from a Worcestershire family, of whom few memorials are extant. His ancestors are described in several pedigrees, as of Saltmarsh in Worcestershire, and of Snitterfield in Warwickshire. The latter designation is, no doubt, to be referred to his residence at Norbrook, which immediately adjoined Snitterfield, though it is not now considered to be locally situate within that parish. The mansion-house of the Grants at Norbrook was conveniently placed for the purposes of the conspirators, being in the centre of their proposed rendezvous, and of the most populous part of Warwickshire, between the towns of Warwick and Stratford-on-Avon. It was walled and moated, and well calculated, from its great extent, for the reception of horses and ammunition. At the present day little remains of it but its name: some fragments of massive stone walls are, however, still to be found, and the line of the moat may be distinctly traced; an ancient hall of large dimensions is also apparent among the partitions and disfigurations of a modern farmer's kitchen. The identity of the house

* Robert Winter's Examination, 17th January, 1604-5; Thomas Winter's Examination, same date.—State-Paper Office.

is fixed, not only by its name and local situation, but by a continuing tradition, that this was the residence of one of the gunpowder conspirators; and still more conclusively by the circumstance, that an old part of the building, which was taken down a few years ago, was known by the name of the Powder Room. John Grant is described by Greenway as a man of accomplished manners, but of a melancholy and taciturn disposition: he had married a sister of the Winters of Huddington, and at the time of the Gunpowder Plot had several brothers, some of whom were involved with him in the conspiracy. He was a zealous Roman Catholic, and had been subject to persecution for his religion in the reign of Elizabeth. He was also implicated in the Essex insurrection, and was fined for his share in that transaction.*

Robert Winter.

Robert Winter was the eldest brother of Thomas Winter, of whose family and connexions we have already given an account. He resided at Huddington, and was in possession of the family estate: he was a firm Roman Catholic, and had married the daughter of John Talbot, of Grafton, a Roman Catholic gentleman of great wealth and influence in the county of Worcester. At the first communication of the plot to him, Robert Winter hesitated,† and expressed surprise that Catesby should attempt so dangerous a project, and one, as he suggested, so unlikely to succeed without

* Tanner MSS., p. 76, Lodge's Illustrations, vol. iii. p. 121.

† Robert Winter's Letter to the Lords, dated 21st January, 1605-6.—State-Paper Office.

foreign aid, or the assistance of some great men at home; adding, "that if the plot were discovered, as such things generally were, it would scandalize all the Catholics in the King's opinion, and utterly ruin the lives and estates of all who were engaged in it." Catesby affected to disclaim all expectation of foreign aid; saying, "that the ambassadors of foreign princes had been in England, and had done nothing for Catholics; nor had he any hopes from any of them. The state of the Catholics," he said, "was desperate, for he was well assured that, before the end of the Parliament, such laws would be passed as would bring all of them within præmunire at the least; and therefore it was that he had resolved on that course." With these suggestions Robert Winter was for the time satisfied; he did not, however, join the party in London until Easter, after the mine had been abandoned.

About the same time, Thomas Bates, an old servant of Catesby, being supposed to have obtained a suspicion of the plot, from having been employed by his master about the house at Westminster, it was thought more prudent to make him a full accomplice, and to bind him by the oath of secrecy, than to leave him at liberty to make partial disclosures, which might lead to the overthrow of the whole undertaking. Father Greenway says, that "he was a man of mean station, who had been much persecuted on account of religion." The accession of this man to the conspiracy is important, not from the part which he acted in the plot itself, which was subordinate and insignificant, but because he

was the person who, by his statements after his apprehension, first implicated the Jesuit priests in the transaction.

The working in the Mine.

By the beginning of February, the confederates, having resumed their labours, had, by great perseverance and exertion, pierced about half through the stone wall. Father Greenway observes that "it seemed almost incredible that men of their quality, accustomed to live in ease and delicacy, could have undergone such severe toil; and especially that, in a few weeks, they should have effected much more than as many workmen would have done, who had been all their lives in the habit of gaining their daily bread by their labour." In particular, he remarks that "it was wonderful how Percy and Catesby, who were unusually tall men, could endure for so long a time the intense fatigue of working day and night in the stooping posture, which was rendered necessary by the straitness of the place."

Incident of the Bell in the Wall.

Greenway relates an incident which occurred while they were at work, and which is perhaps worth repeating, as evidence of the gross superstition which prevailed among these fanatics, and also as evincing the workings of conscience on the minds of the conspirators as they proceeded with their design. They were one day surprised by the sound of the tolling of a bell, which seemed to proceed from the middle of the wall under the Parliament House. All suspended their labour, and listened with alarm and uneasiness to the mysterious sound. Fawkes was sent for from his station above. The tolling still continued, and was

distinctly heard by him as well as the others. Much wondering at this prodigy, they sprinkled the wall with holy water, when the sound instantly ceased. Upon this they resumed their labour, and after a short time the tolling commenced again, and again was silenced by the application of holy water. This process was repeated frequently for several days, till at length the unearthly sound was heard no more.

Hiring the Coal Cellar.

These ideal terrors were shortly after succeeded by another and more reasonable subject of uneasiness. One morning, while working upon the wall, they suddenly heard a rushing noise in a cellar, nearly above their heads. At first they imagined that they had been discovered; but Fawkes being despatched to reconnoitre, found that one Bright, to whom the cellar belonged, was selling off his coals in order to remove, and that the noise proceeded from this cause. Fawkes carefully surveyed the place, which proved to be a large vault, situated immediately below the House of Lords, and extremely convenient for the purpose they had in view. The difficulty of carrying the mine through the wall had lately very much increased. Besides the danger of discovery from the heavy blows which it was necessary to strike in penetrating the stone foundations, they found that as the work extended towards the river, the water began to flow in upon them, and not only impeded their progress, but showed that the mine would be an improper depository for the powder and combustibles. Finding that the cellar would shortly become vacant, the conspirators

agreed that it should be hired in Percy's name, under the pretext that he wanted it for the reception of his own coals and wood. This was accordingly done, and immediate possession was obtained. The mine was abandoned, and about twenty barrels of powder were forthwith carried by night, across the river from Lambeth, and placed in the cellar in hampers; large stones, and the iron bars and other tools used by them in mining, were thrown into the barrels amongst the powder, the object of which Fawkes afterwards declared to be, to "make the breach the greater;"* and the whole was covered over with faggots and billets of wood. In order to complete the deception, they also placed a quantity of lumber and empty bottles in the cellar. The preparations were complete about the beginning of May, 1605. They then carefully closed the vault, having first placed certain marks about the door inside, by which they might at any time ascertain whether it had been entered in their absence; and as the Parliament was not to meet till the 3rd of October, they agreed to separate for some months, in order to avoid the suspicion which might arise from their being seen together in London.

Before their separation, Catesby proposed that an attempt should be made to obtain foreign countenance and co-operation, by informing Sir William Stanley and Owen of the project. This was agreed to, on condition of their being sworn to secrecy, and Fawkes

* Fawkes's Examination, 5th November, 1605.—State-Paper Office.

was despatched into Flanders shortly before Easter, for the purpose of conferring with them. He returned about the latter end of August, without having seen Sir William Stanley, who was in Spain: he conferred, however, with Owen, who told him that, from the relation which then subsisted between England and Spain, Sir William Stanley was not likely to promote the scheme, but that he himself would undertake to communicate the particulars to him as soon as it was put in execution.*

In the meantime the prosecution of recusants continued; and the occurrence of certain tumultuous meetings of Roman Catholics in Herefordshire and Wales in the summer of 1605 was used as a pretext for increased rigour. Previously to the assizes the King called together the Judges, and "gave them a very straight charge to be diligent and severe in their circuits against recusants, and to execute the laws in that behalf made."† De Beaumont the French ambassador, in a letter to Villeroy, dated the 9th of July, 1605, also states this fact, and adds:—"The King treats the Catholics with greater rigour than ever; and I foresee that their condition will become daily worse. All of them, as well those of the Jesuit faction as the secular priests, feel that they have been grievously deceived heretofore, and that they have been very little comforted or assisted by what the King of Spain has done." In a subsequent letter,

* Thomas Winter's Examination, 17th November, 1605.—State-Paper Office.

† Winwood's Memorials, vol. ii. p. 77.

dated September 17, 1605, De Beaumont says that the King of England, in a visit to the University of Oxford, expressly exhorted the young men to "avoid and abhor to the utmost of their power, *Romanas Superstitiones;* and following his example to hold fast to the true faith and religion of the Church which he professed, and had sworn that he would profess to the end of his life."*

Sir Edmund Baynham despatched to Rome.

In the early part of September the conspirators despatched Sir Edmund Baynham on a mission to the Pope. Baynham was a Catholic gentleman of good family in Gloucestershire, but of profligate and turbulent habits. Besides being engaged in Essex's rebellion, he had been more than once prosecuted in the Star-Chamber, in the time of Elizabeth, for riots and affrays, and was known as the captain of a club or society called the "Damned Crew," which was one of those associations of adversaries of law and order, which are described by contemporaneous historians as prevalent in London in the early part of the reign of James I.† De Beaumont, the French ambassador, in a letter, dated only four days after Queen Elizabeth's death, states that Baynham had been imprisoned by the Lords of the Council for declaring "that the King of Scotland was schismatic, and that he would not acknowledge him as King." ‡

* De Beaumont's Dépêches.

† "Divers sects of vitious persons, going under the title of Roring Boys, Bravadoes, Roysterers, &c., commit many insolencies. The streets swarm night and day with bloody quarrels."—Wilson's History of Great Britain, p. 28.

‡ Dépêches, 28 March, 1603.

Baynham was intimate with Catesby, and several other conspirators, but it is doubtful whether he was in the first instance intrusted with the secret of the plot. None of the persons examined mention him as one of the sworn conspirators; and Thomas Winter expressly says that "he was not a man fit for the business at home; but that they had otherwise employed him by sending him to Rome."* He was sent to Rome at this time, in order that he might be there when the news of the explosion arrived, and be prepared to negotiate with the Pope on behalf of the conspirators, and to explain to him their designs respecting the establishment of the Roman Catholic religion in England. This mission of Sir Edmund Baynham will be more particularly noticed hereafter, as the circumstances which attended it formed very strong evidence of Father Garnet's criminal implication in the plot.

Further prorogation till November 5.

Soon after Fawkes's return from Flanders, the Parliament was further prorogued from the 3rd of October till the 5th of November. These repeated prorogations alarmed the conspirators, and led them to fear that their project was suspected, if not discovered. Thomas Winter was therefore sent to observe the demeanour and countenances of the commissioners by whom the parliament was prorogued, with the customary solemnities. Being a retainer in the household of Lord Mounteagle, who was one of the commissioners, his attendance upon his lordship furnished

* Examination of Thomas Bates, 13th January, 1605-6.—State-Paper Office. Criminal Trials, vol. ii. p. 282.

him with the means of being present at the ceremony.* He observed no indications of suspicion or alarm, and nothing hasty or unusual in the form and conduct of the proceeding. The commissioners, amongst whom were the Earls of Salisbury and Suffolk, carelessly conversed and walked about in the House of Lords, evidently unconscious of the volcano which lay prepared beneath their feet, and which only required a spark of fire to involve them in instant destruction. This apparent absence of all uneasiness and suspicion quieted the fears of the conspirators, and induced them to conclude that their secret was still safe.†

Catesby's preparations of an armed force.

From the commencement of the conspiracy Catesby had been aware of the expediency of being prepared with some disposable military force to meet any resistance which might be raised by the government or Protestants after the fatal explosion had taken place. For this purpose, horses, arms, powder, and other ammunition were purchased and distributed in the houses of various conspirators in the midland counties, but principally at his mother's house at Ashby St. Legers, and at that of John Grant at Norbrook. This could not be done secretly, and therefore to give a colour to these warlike preparations, Catesby took great pains to inform all his friends and acquaintance that he was about to raise a troop of three hundred horse, to join the English regiment which the Spanish Ambassador had raised by levies in England, and a

* Thomas Winter's Examination, 12th November, 1605.
† Greenway's MS.

detachment of which had already been despatched to Flanders for the service of the Archduke.* Upon this, many enterprising and discontented gentlemen offered to join him as volunteers, and to advance money and horses for the undertaking. Catesby at once perceived the advantage which he should gain for his real object by accepting these offers, and thus placing himself, and such other commanders as he could trust, at the head of a military force, to be afterwards employed for his own purposes as circumstances might require. In this manner, therefore, he employed the summer of 1605 in collecting together a great number of gentlemen, all armed and equipped; directing them to be ready for service at the shortest notice. He selected his officers from his most approved and confidential friends, and cautiously introduced amongst them several of the sworn conspirators in the Gunpowder Plot.† The government subsequently obtained express information that it was part of the plan of the conspirators, that the whole of this English regiment should be brought over into England in aid of the Roman Catholic party, after the execution of the Plot.‡

Three other persons introduced to the Plot.

Shortly before Michaelmas, 1605, Percy and Catesby met by appointment at Bath; and it was then arranged

* The Spanish Ambassador had prevailed upon the King to permit these levies to be made in England for service in Flanders; and under them Roman Catholics were almost exclusively chosen. The first proposition was that they should be commanded by Sir Charles Percy, brother of the Earl of Northumberland, but he declined the duty, and the charge was then given to the young Lord Arundel of Wardour. See Beaumont's Dépêches.

† Greenway's MS. ‡ Birch's Negociations, p. 251.

that two or three persons of wealth should be added to the secret confederacy, in order to provide means for raising further supplies of horses and ammunition. For this purpose three Roman Catholic gentlemen, Sir Everard Digby, Ambrose Rookwood, and Francis Tresham, the two first intimate friends, and the last a near relation of Catesby, were selected.

Sir Everard Digby.

Sir Everard Digby, of Tilton and Drystoke, in Rutlandshire, belonged to an ancient and honourable family, distinguished during several generations for their wealth and loyalty. He was born in 1581, and therefore at the time of the Powder Plot was only twenty-four years of age. He had lost his father in his childhood, and while in wardship to Queen Elizabeth appears to have been favourably noticed at court. In the year 1596 he married the only daughter and heiress of the family of Moulsoe or Mulsho, of Goathurst, in Buckinghamshire; whose parents dying soon after the marriage, a large estate descended to Sir Everard in right of his wife. He had two sons; the eldest of whom was the celebrated Sir Kenelm Digby. Sir Everard had been knighted by James I. at Belvoir Castle, on his journey from Scotland to London, upon his accession to the crown of England. Greenway says, that though his father was a Roman Catholic, Sir Everard had been brought up during his minority in a Protestant house; and though always much inclined to the ancient religion, did not openly profess it until he had arrived at an age when he had the entire disposal of himself. "And notwithstanding,"

says Greenway, whose descriptions of the conspirators are sufficiently high-flown, "that until his majority he had dwelt much in the Queen's court, and was in the way of obtaining honours and distinction by his graceful manners and rare parts, he chose rather to bear the cross with the persecuted Catholics, *et vivere abjectus in domo Domini*, than to sail through the pleasures of a palace and the prosperities of the world, to the shipwreck of his conscience and the destruction of his soul." By the same partial writer Sir Everard Digby is described as "old in prudence, though young in years, possessing many accomplishments, a profound judgment, and a great and brilliant understanding." It must be confessed, that neither his conduct nor his letters justify this panegyric. He appears throughout this transaction as a weak and bigoted young man, never acting upon his own judgment or impulses, but submitting himself entirely to the control and guidance of the Jesuits.

The secret was communicated by Catesby to Sir Everard Digby about Michaelmas, 1605, the oath of secrecy having been previously given to him. He says, in one of his examinations,* that "upon the first breaking of it to him, he showed much dislike, but forbore to reveal it, upon scruple of conscience in respect of his oath." By his Letters, however, first published in 1678, at the end of the Bishop of Lincoln's republication of the "Account of the Gunpowder Plot," it clearly appears that he cordially joined in the project

* 20th November, 1605.—State-Paper Office.

from religious zeal, as soon as he had satisfied himself that the action had been approved by his spiritual advisers. Sir Everard Digby agreed to contribute to the cause 1,500*l.* in money, and a quantity of horses, arms, and ammunition.

Ambrose Rookwood.

Ambrose Rookwood, of Coldham Hall, in Stanningfield, Suffolk, was an extremely interesting character in the history of this conspiracy. He was the descendant, and at this time the head, of one of the most ancient and opulent families in the kingdom. His ancestors had been in possession of the manor of Stanningfield, which at the present day continues vested in their lineal descendants, from the time of Edward I., and they had repeatedly represented the county of Suffolk in Parliament. At the Reformation the Rookwoods adhered to the ancient religion; and several of them afterwards experienced the rigour of Protestant persecution; one instance of which, in the case of Edward Rookwoood, of Euston Hall, we have already related. Ambrose Rookwood was born of Roman Catholic parents, and carefully brought up from his childhood in the Roman Catholic faith. He had received his education at one of the Roman Catholic universities in Flanders, and when he succeeded to his inheritance upon his father's death in 1600, his house in Suffolk became, as it had been in his father's time, a common asylum for persecuted priests, and mass was constantly performed there; in consequence of which he was subjected to repeated prosecutions and penalties. It is remarkable that he had been

indicted for recusancy at the London and Middlesex Sessions, in February 1604-5, after the Gunpowder Plot had been contrived and arranged.* He married a daughter of Sir William Tyrwhit, of Kettleby, in Lincolnshire, by whom he had two or three children. He possessed an ample estate, and was especially remarkable for his stud of fine horses; a circumstance which made him a particularly desirable acquisition to the conspirators. At the period of which we are speaking he was twenty-seven years of age. He had been long the intimate friend of Catesby, whom, he says,† "he loved and respected as his own life;" and attachment to him, and the contagion of religious enthusiasm, drew Rookwood from the bosom of his family, and bound him to this rash and desperate conspiracy.

Being in London about Michaelmas, 1605, Catesby told him that "for the ancient love he had borne unto him, he would impart a matter of importance unto him;" and then, after administering the oath of secrecy, he revealed to him the design of blowing up the King and the Parliament House with powder. Rookwood states that he was "somewhat amazed" at the proposal; and asked, "how such as were Catholics and divers other friends should be preserved?" Catesby answered, that "a trick should be put upon them." Then Rookwood objected that "it was a matter of conscience to take away so much blood." But Catesby

* Ecclesiastical Papers, No. 53, State-Paper Office.

† Examination of December 2nd, 1605.—State-Paper Office.

assured him, that "he might be satisfied on that head, for that though he had not put that case in particular to any, he had put the like case, and had been resolved by good authority that in conscience it might be done." Rookwood still expressing scruples of conscience respecting the lawfulness of the action, Catesby told him "that he had also asked advice, whether, if the act could not be done without the destruction of some innocents, it might still be done, and was resolved that rather than the action should fail they must also suffer as the rest did." By these assurances Rookwood's scruples were quieted; and, by Catesby's advice, he immediately removed with his family to a house belonging to Lord Carew, at Clopton, near Stratford-on-Avon, in Warwickshire, in order that he might be near the general rendezvous.*

Francis Tresham.

The third person who was taken into the confederacy at this time was Francis Tresham, the eldest son and heir of Sir Thomas Tresham, whom we have already mentioned as having, in the reign of Elizabeth, suffered severely for the sake of religion. The mothers of Francis Tresham and Robert Catesby, were sisters, both of them being daughters of Sir Robert Throckmorton of Congleton. The two families, being near neighbours and zealous Roman Catholics, and under frequent prosecution for recusancy, lived together in the strictest intimacy; and the younger branches, being nurtured amidst religious persecution, were in-

* Rookwood's Examination, 2nd December, 1605.—State-Paper Office.

fected in no small measure with disaffection to the Protestant Government. Francis Tresham is said to have been educated, as Catesby was, at Gloucester Hall, Oxford, now called Worcester College.* His father died in September 1605, and upon his death Francis Tresham succeeded to a large estate at Rushton, near Kettering, in Northamptonshire. He had been engaged in several plots in the preceding reign, and was extremely active in the Earl of Essex's rebellion; and when that nobleman imprisoned the Lord Keeper, the Lord Chief Justice, the Earl of Worcester, and Sir William Knollys in Essex House, Tresham was one of those appointed to guard them; and it was he who insolently told the Lord Keeper that "he had stayed two years for a motion in the Chancery, and hoped his lordship was now at good leisure to hear him."† The strong representation made by the Lord Chief Justice of the insolence of his conduct on this occasion highly exasperated the Queen and Council against him, and notwithstanding the greatest exertions were made on his behalf, it remained for some time doubtful whether he would not have been arraigned and executed with the other commoners implicated in that conspiracy. At length, and only the day before the arraignment of Sir Gilly Merrick and his companions, Tresham received his discharge, in consequence of the powerful interest exerted for him by Lady Catherine Howard, daughter of Lord Thomas Howard, Lieutenant of the

* Wood's Ath. Oxon., vol. i. p. 754. Edit. Bliss.

† Criminal Trials, vol. i. p. 326.

Tower, and afterwards Earl of Suffolk.* The exertion of this interest in his favour was, however, only obtained at a pecuniary expense of several thousand pounds, which reduced his father, Sir Thomas Tresham, to difficulty, and, as he himself says, to "penury" for the remainder of his days. Notwithstanding this narrow escape, he became engaged with Catesby, Thomas Winter, and others, in the treasonable correspondence which took place between the English Roman Catholics and the King of Spain shortly before the death of Elizabeth.

The particulars of the communication of the plot to Tresham are unknown. He at first agreed to it cordially, and undertook to furnish 2,000*l.* towards the

* In the Rushton Papers there is a complete account of the mode in which Francis Tresham's exemption from prosecution for his share in the Earl of Essex's rebellion was effected. It appears to have been a transaction of bargain and sale managed with great adroitness and ingenuity. His father, Sir Thomas Tresham, entered into bonds for the payment of large sums of money at the end of three months to a trustee for the "honourable persons" who were to procure the Queen's mercy: in one instance the bond appeared to have been for 2,100*l.*, and there were several bonds for 1,000*l.*, each. The trustee then executed a sort of declaration of trust, in which, after reciting the bonds, and that "they had a reference to a matter to be performed by a third party not expressed in them," he undertakes, if that matter be not performed before the bonds became due, to re-deliver them to the parties bound. The ultimate result was, as appears from the Council Minutes of July 6th and August 6th, 1601, that Tresham was released upon payment of a fine of 2,000*l.* to the Queen, 1,500*l.* of which was to be paid to Lord Thomas Howard, the father of the lady who had been bribed to intercede for his life. Whether this fine of 2,000*l.* was imposed in addition to the amount paid for the intercession does not certainly appear. The same Minutes of Council show the appropriation of 1,200*l.* out of Catesby's fine to Sir Francis Bacon. See Council Register, July and August, 1601.

promotion of the scheme; but his sincerity seems to have been always suspected by some of the conspirators; and probably nothing but the temptation of the great wealth of which he had lately become possessed upon his father's death, and his devotion to the Roman Catholic religion, would have induced them to consent to his reception amongst them. He was known to be mean, treacherous, and unprincipled; and his character must have been fully understood by Catesby, who was not only his near relation, but had been brought up with him, and had been engaged with him in several treasonable conspiracies. Father Greenway states that Catesby afterwards repented that he had admitted Tresham into the confederacy; that he always mistrusted him, and that from the time of his introduction, fearful forebodings and incessant anxiety, excited and supported by ominous dreams portending the failure of the scheme, took possession of Catesby's mind.

Besides these three gentlemen, who were intrusted with the whole detail of the plot, and sworn to secrecy, means were taken to insure the active co-operation of other persons of wealth and influence as soon as the first act of the tragedy had been performed. With this view, Catesby went from Bath to Huddington on a visit to Robert Winter; and from thence he sent for Stephen and Humphrey Littleton, with the view of eventually engaging them in the confederacy. The Littletons belonged to the distinguished family of that name, who for several centuries have possessed large

Stephen and Humphrey Littleton.

estates in the counties of Worcester and Stafford, and who from the time of the great judge, who composed the celebrated Book of Tenures in the reign of Edward IV., until the present day, have continuously reckoned among their members persons as eminent for virtue and talents as any that this kingdom has produced. Stephen Littleton was the eldest son and heir of George Littleton of Holbeach, in the county of Stafford, who was the third son of Sir John Littleton of Hagley, and who died previously to the period of the Gunpowder Plot. In 1605, Stephen Littleton was the possessor of Holbeach and resided there. Holbeach was a large house, handsomely built in the style of architecture usual in the time of Queen Elizabeth, and was situated about four miles from Stourbridge on the road between that place and Wolverhampton.* Humphrey Littleton was a younger son of Gilbert Littleton, eldest son and heir of Sir John Littleton, of Hagley, and was, consequently, cousin to Stephen Littleton.†

It appears from the evidence that Catesby did not at that time acquaint the Littletons with the whole project he had in view; but he informed them of his proposed expedition to join the Archduke with a troop

* Holbeach House was standing a few years ago, and is described in Shaw's History of Staffordshire, vol. ii. p. 297, but at the present day no traces of this once stately mansion are discernible, except some ancient walls which form part of the buildings belonging to a mill.

† Humphrey Littleton calls Stephen Littleton his "cousin-german." See Humphrey Littleton's Relation, 26th January, 1606. Add. MSS. in the British Museum, No. 6178, p. 697.

of three hundred English horse in Flanders. He promised to give Stephen Littleton the command of a company, and offered to take over with him a natural son of Humphrey Littleton as his page. He invited both the Littletons to meet him at Dunchurch, at which place he proposed to make merry with his friends some three or four days, and undertook to give them due notice of the day of meeting through Robert Winter; adding, that at Dunchurch he would appoint the time, and make the necessary arrangements with them for the campaign in Flanders.*

* Robert Winter's Letter to the Lords, 21st January, 1605.—State-Paper Office.

CHAPTER III.

Plan of operations arranged — Renewed discussions respecting warning friends—Tresham's anxiety respecting Lord Mounteagle —Probability that warnings were given by individual conspirators —Account of Lord Mounteagle—His implication with Catesby, Tresham, and the Wrights in previous plots—Changes his course on the accession of James I.—The letter of warning to Lord Mounteagle—Conjectures respecting its author—Mrs. Abington—Anne Vaux—Thomas Percy—Tresham probably the betrayer—Suggestion that Mounteagle was privy to the Plot—Doubts whether the letter was the first notice of the Plot given to Mounteagle—Tresham's scheme—Its failure in consequence of the infatuation of the conspirators—Lord Mounteagle takes the letter to the Earl of Shrewsbury.

Details of the Plan arranged.

THE day of the meeting of Parliament now approached; and as no further prorogation was expected, it became necessary for the conspirators finally to arrange their plan. For this purpose they had frequent consultations, in the course of which the following points were determined upon:—First, that Fawkes, as a man of approved courage and of experience in emergencies, should be intrusted to set fire to the mine. This he was to do by means of a slow-burning match, which would allow him full a quarter of an hour for his escape before the explosion took place. He was instantly to embark on board a vessel in the river, and to proceed to Flanders with the intelligence of what had

been done. Secondly, Sir Everard Digby was to assemble a number of Roman Catholic gentleman on the 5th of November, at Dunchurch, in Warwickshire, under the pretence of hunting on Dunsmoor Heath; from which place, as soon as they received notice that the blow was struck, a party was to be despatched to seize the Princess Elizabeth at the house of Lord Harrington, near Coventry. The princess was to be immediately proclaimed Queen, in case of a failure in securing the person of the Prince of Wales or the young Duke of York, and a regent was to be appointed during the minority of the new sovereign. Having secured and proclaimed the princess, Catesby proposed that they should seize the horses at Warwick Castle, and the store of armour belonging to Lord Windsor, at Whewell Grange, in Worcestershire; "and by that time," said he, "I hope some friends will come and take our parts."* Thirdly, Percy was to seize the Prince of Wales, or, if he should be in the Parliament House with the King, he was to take possession of the Duke of York in the palace, to which he would have ready access by means of his office of gentleman-pensioner: he might do this under the pretext of securing his person from danger, and then taking him to a carriage prepared for the purpose, he was to carry him with all speed to Dunchurch.

Discussion respecting warning friends.

One subject of discussion arose at this period, which had occasioned from the beginning much difference of

* Robert Winter's Letter to the Lords, 21st January, 1605.—State-Paper Office.

opinion. This was the arrangement of a list of those peers who should be saved by a timely warning from the intended destruction. Several of the conspirators whose consciences did not disapprove the proposition of taking away the lives of the King and of the enemies and oppressors of their religion, hesitated to involve in the same indiscriminate fate those who were Roman Catholics themselves, who were firm and zealous friends of the Roman Catholic cause, and many of whom had been actively associated with themselves in former attempts against the Protestant Government. Others, again, had friends and near relations amongst those who were thus doomed to destruction ; the Lords Stourton and Mounteagle, both Roman Catholics, had married sisters of Tresham, and he was on terms of daily and familiar intercourse with both of them. Tresham, therefore, was "exceeding earnest" that these two lords, and especially the latter, should have some warning given them, to induce them to absent themselves from the Parliament. Robert Keyes was not less urgent for his friend and patron Lord Mordaunt; and Fawkes mentioned Lord Montague and some others. Percy also pressed that the Earl of Northumberland and Lord Mounteagle should be saved ; and all were anxious, if possible, to warn the young Lord Arundel, who, though under age, had petitioned to be summoned to Parliament. On the other hand, it was strongly urged by Catesby and Thomas Winter, that, by increasing the number of confederates, they would incalculably increase the risk of discovery and

prevention; and that a significant hint to individuals to absent themselves would be even more dangerous than a full communication of the design, as it would excite a vague suspicion and alarm without any obligation to secresy. Catesby spoke contemptuously of the lords in general, and declared that "he made account of the nobility as of atheists, fools, and cowards, and that lusty bodies would be better for the commonwealth than they."* In order, however, to allay the anxieties of those who had relations and friends in this dangerous predicament, he assured them that he had already ascertained that several of the Roman Catholic peers would not be present at the meeting of Parliament; that he had spoken with Lord Montague, and had persuaded him to make suit to be absent from the Parliament altogether, on the ground that his single voice would not avail against the making of more penal laws against the Roman Catholics. With respect to Lord Mordaunt, he declared that "he would not for the chamber full of diamonds acquaint him with the secret, for that he knew that he could not keep it;" but that he was assured that his lordship would not take his seat until the middle of the Parliament, "because he objected to sitting in his robes in the Parliament House while the King was at church." He also declared that he had good reason to believe that Lord Stourton would not come to town till the Friday after the meeting of Parliament. "Assure yourself," said he to Sir Everard Digby, "that such of the nobility as

* Keyes's Examination, 30th November, 1605.—State-Paper Office.

are worth saving shall be preserved, and yet know not of the matter."* He declared generally to the confederates that he wished, as much as any of them could do, that "all the nobles that were Catholics might be preserved, and that *tricks* should be put upon them to that end;" but, said he, "with all that, rather than the project should not take effect, if they were as dear unto me as mine own son, they also must be blown up."† Upon these suggestions it was concluded by a majority of the conspirators that no express notice should be given, but that individuals should persuade their friends, upon general grounds, to absent themselves, and particularly by urging the little good that so small a party could do in resisting the disposition of the Government, and of a large majority of both Houses of Parliament, to inflict more severe restrictions upon the Roman Catholics.

Tresham's anxiety.

To Tresham this appeared to be too slender a thread to rely upon. He afterwards unexpectedly joined Catesby, Thomas Winter, and Fawkes, at White Webbs, and again passionately required that warning should be given to Lord Mounteagle. Fawkes declares that Catesby and Thomas Winter "had some contention with Tresham about the Lord Mounteagle, Tresham having been exceeding earnest to have his lordship warned to be absent from the Parliament."‡ Upon

* Digby's Examination, 2nd December, 1605.—State-Paper Office.

† Keyes's Examination, 30th November, 1605.—State-Paper Office.

‡ Fawkes's Examination, 16th November, 1605. State-Paper Office. In another examination Fawkes says, "We durst not forc-

their hesitating to comply with his demand, Tresham hinted that he should not be prepared with the money he had agreed to advance until he had sold some estates, and suggested that it would be better to defer the execution of the Plot till the closing of the Parliament, and that the conspirators might spend the interval in Flanders.* Tresham himself declared, after his apprehension, that his object in this advice was to get rid of the Plot altogether: "This," says he, "was the only way that I could resolve on to overthrow the action, to save their lives, and to preserve my own fortunes, life, and reputation."† From this time he appears to have taken no part in the consultations; and when the principal conspirators afterwards fled into the country, he remained at his usual place of abode in London, and showed himself unreservedly in the streets.‡ Having failed to convert his confederates to his wishes respecting Lord Mounteagle, he probably determined, without further consultation with them, to give his friends express advertisement of their danger in his own way. It is reasonable to suppose that other conspirators did the same thing by their particular friends; indeed, Sir Everard Digby says, in a letter to his wife,§ written

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warn them for fear we should be discovered; we meant principally to have respected our own safety, and would have prayed for them."

* Greenway's MS., and Tresham's Declaration, 13th November.—State-Paper Office.

† Tresham's Declaration, 13th November.—State-Paper Office.

‡ MS. Letter from Sir Edward Hoby to Sir Thomas Edmondes.

§ Gunpowder Treason, p. 251.

after his arraignment, "Divers were to have been brought out of danger, which now would rather hurt them than otherwise. I do not think that there were three worth saving that should have been lost; you may guess that I had some friends that were in danger, which I prevented."

We are now arrived at the incident of the discovery of the Plot by means of the mysterious letter to Lord Mounteagle. That the discovery occurred in some manner through the instrumentality of Lord Mounteagle is hardly to be questioned; that it occurred in the mode declared by the authorised version of the story in what was called the "King's Book" may reasonably be doubted. It may materially assist in forming a probable judgment upon the facts to consider the domestic and personal history of Lord Mounteagle, and also his precise position at the beginning of the reign of James.

Account of Lord Mounteagle.

William Parker, Lord Mounteagle, was the eldest son of Edward, Lord Morley, a Protestant peer, in high estimation at the courts of Elizabeth and James. In 1605 he was about thirty-one years of age.* Before he was eighteen years old he married a daughter of Sir Thomas Tresham, and thus became connected with several Roman Catholic families, and in particular with those of Throckmorton, Winter, and Catesby. The correspondence of the time exhibits him as particularly intimate with Catesby,† Tresham, and Thomas Winter,

* In one of the Rushton Letters he is said to have attained the age of eighteen years in 1592.

† See the Letter from him to Catesby at Lypiat, discovered by Mr. Bruce, Archæologia, vol. xxviii. p. 420.

the latter of whom had been apparently employed by him as a secretary or personal attendant of some kind during the whole time of the preparation of the Plot and up to the eve of its completion. With Catesby, Tresham, and the two Wrights, Lord Mounteagle had been involved in the Earl of Essex's rebellious attempt; and although he escaped arraignment, as Catesby, Tresham, and the Wrights had done, he was fined, and remained in custody for his share in that transaction until the end of the year 1601.* About the time of his discharge from this custody, Garnet, the superior of the Jesuits in England, received two breves from Pope Clement VIII., enjoining the English Roman Catholics, upon Elizabeth's death, to admit of no Protestant successor to the English throne. These breves were shown by Garnet to Catesby, and by him to Lord Mounteagle in February 1602;† and, acting upon these breves, there is no doubt that he was a party to the mission of Thomas Winter and Father Greenway to the King of Spain at that time, inviting him to invade England with an army, and promising the co-operation of the English Roman Catholics.‡ At this point of time, therefore, Lord

* Council Register, 1601. Tanner MSS. p. 76.

† Garnet's Examinations, March 14 and 26, 1606. State-Paper Office. The Examinations are printed in Criminal Trials, vol. ii. p. 277-8. See also Garnet's Examination, March 27, 1606, Additional MSS. in the British Museum, No. 6178, and Archæologia, vol. xxix.

‡ Examination of Thomas Winter (without date, but about 27th November, 1605), and Examination of Francis Tresham, 29th November, 1605, State-Paper Office. In the originals of both these examinations great pains have been taken to erase Lord Mounteagle's

Mounteagle was not only a zealous Roman Catholic, but was an accomplice in a treasonable correspondence with the Queen's enemy, for the purpose of forcibly establishing a Roman Catholic Government. But from this period he appears to have altered his course. He was a party to the mission of Thomas Winter to the King of Spain in the last year of Elizabeth's reign; but to the mission of Christopher Wright into Spain soon after James's accession (which seems to have been merely a continuation or renewal of the proposal made by Thomas Winter), he was neither party nor privy: and, on the contrary, we find him rendering essential service to James by assisting the Earl of Southampton to secure the Tower of London.* In the first Parliament of James, assembled in March 1604, he was called by writ of summons to the House of Lords under his mother's title; and the Journals show that from that time he constantly attended in his place. In the charter of creation of Prince Charles as Duke of York in January 1605, his name appears as one of the witnesses.† From these facts it is probable that Lord Mounteagle was induced (as other distinguished Roman Catholics had been) to withdraw himself from the

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name;—in one of them a piece of paper has been curiously pasted over it. By holding the Papers to the light the name is in both cases distinctly visible. It is remarkable that with these two mutilated exceptions none of the Examinations of Fawkes or Thomas Winter, in which Mounteagle was probably mentioned, are to be found at the State-Paper Office. See Criminal Trials, vol. ii. p. 67 (*note*) and p. 139.

* Petition Apologetical of Lay Catholics of England.

† Rymer's Fœdera, vol. xvi. p. 606.

desperate courses of Catesby and his companions, and following the party of the Howards, to rely upon the alleged disposition of the King to grant toleration to the Roman Catholics. He may thus have constituted one of those Roman Catholic courtiers whom James himself describes as the "tame ducks" used by an artful policy to "decoy the wild ones." At all events, it appears from several recorded facts that he enjoyed at this time the full favour of the court.* He is applied to by Sir Edward Bushell to excuse him to the Queen for disobedience to her commands; he calls at Richmond to "kiss the Prince's hand" on his way to London, a few days only before the discovery of the Plot; and, above all, he has influence enough with the King to induce him to solicit from the French King as a favour the enlargement of his brother, Mr. Parker, who had been imprisoned at Calais for a violent outrage committed there.†

Letter to Lord Mounteagle.

On Saturday the 26th of October, ten days before the intended meeting of Parliament, Lord Mounteagle unexpectedly, and without any apparent reason or previous notice, directed a supper to be prepared at his mansion at Hoxton, where he had not been for more than a month before that time. Whilst he was at table, about seven o'clock in the evening, a letter was brought to him by one of his pages, who said he had received it the same evening from a man in the street, whose features he could not distinguish. The page

* See Remarks upon Lord Mounteagle, Archæologia, vol. xxxix.

† Dépêches de M. de Beaumont.

stated that the stranger had asked him "if the Lord Mounteagle was there, and whether he could speak to him;" and on being told that his lordship was then at supper, that he had given him a letter, enjoining him "to deliver it into his master's own hands, as it contained matters of importance." Lord Mounteagle opened the letter, and perceiving that it had neither date nor signature, directed a gentleman in his service, named Ward, to read it aloud.* The letter was as follows:—

"my lord out of the love i beare to some of youer
"friends i have a caer of youer preservacion therefor i
"would advyse yowe as yowe tender youer lyf to devyse
"some exscuse to shift of youer attendance at this parlea-
"ment for god and man hathe concurred to punishe the
"wickednes of this tyme and thinke not slightlye of this
"advertisment but retyere youre self into youre contri
"wheare yowe maye expect the event in safti for
"thowghe theare be no apparence of anni stir yet I saye
"they shall receyve a terrible blowe this parleament
"and yet they shall not seie who hurts them this councel
"is not to be contemned because it maye do yowe good
"and can do yowe no harme for the dangere is passed
"as soon as yowe have burnt the letter and i hope god
"will give yowe the grace to mak good use of it to
"whose holy proteccion i commend yowe."

The letter is addressed "To the right honorable the lord mowteagle."†

* Greenway's MS.

† The original of this letter is at the State-Paper Office. An indifferent fac-simile has been published in the Archæologia.

Conjectures respecting the author of this letter.

At this point of the narrative it is a natural, and it may be a very important, subject of inquiry, who was the author of this letter? Among several conjectures upon this subject, the most currently adopted is that which ascribes it to Mrs. Abington, the sister of Lord Mounteagle, and the wife of Mr. Thomas Abington, a Roman Catholic gentleman residing at Henlip, near Worcester, who was at first suspected to have been privy to the Plot, and who was actually convicted of misprision of treason in having harboured and concealed some of the traitors. This conjecture appears to have been first expressed nearly a century after the event had occurred, in the course of the discussions which took place in the reign of Charles II. respecting the Popish Plot; since which time it has been adopted and reasserted with so much confidence by almost all writers who have treated of this period, that it became, to all appearance, a fixed point in history. No evidence or argument, however, has been adduced in support of this conjecture beyond a vague local tradition—an authority which is seldom to be much relied upon, and which, in this instance, might naturally arise from the near relationship of Mrs. Abington to Lord Mounteagle. On the other hand, no contemporary writer alludes to Mrs. Abington as the author of the letter; and it appears, by positive testimony,* confirmed by many concurring circumstances, that neither Mr. Abington nor his wife were aware of the Plot until after its failure. This seems indeed to have been the impression

* Hall's Examination, March 6th, 1605.—State-Paper Office.

of the Government; for when Mr. Abington was arrested, he was not charged with having been concerned in, or privy to, the Plot, but with misprision of treason in having concealed Father Garnet in his house after he had been proclaimed as a traitor.* Under these circumstances, and in the absence of any express evidence of the fact, the ascription of the letter to Mrs. Abington may perhaps be considered as one of those numerous false points, which, having been suggested in the first instance to remove a difficulty, have been copied without doubt or inquiry by one historian from another, and have thus become established errors.

Another conjecture has been made, ascribing the letter to Anne Vaux, the daughter of William, Lord Vaux, and the devoted friend and companion of Father Garnet.† But there is no evidence that Anne Vaux,

* It is worthy of remark, perhaps, although it is obviously not a conclusive argument, that Mrs. Abington was about this time in child-bed, her son, William Abington, a well known poet, being stated on the authority of Wood (Ath. Oxon. vol. iii. p. 224, edit. Bliss.), to have been born at Hendlip, on the 4th of November, 1605, the day before the meeting of Parliament.

† Gent. Mag. vol. 98, pt. 2, p. 601. The same writer reasserts his proposition in the Gentleman's Magazine for March, 1835. This suggestion is founded on the supposed identity of the handwriting of the letter to Lord Mounteagle with that of many letters and papers unquestionably written by Anne Vaux, and still preserved at the State-Paper Office. It rests therefore upon a fact respecting which a judgment may be formed by a personal inspection. After a careful examination and comparison of the papers, word by word, and letter by letter, I am quite unable to discover the alleged identity of the handwriting. It is true that both are written in a Roman character; but the use of this character was by no means uncommon in the writing of that day. And the argument from the

any more than Mrs. Abington, knew of the Plot before it was discovered;—she protests herself that she did not. She was long in custody on suspicion, and repeatedly examined; but no prosecution followed, and there is nothing in any of the examinations to implicate her in the transaction except her near relationship to some of the conspirators, her intimate acquaintance with all of them, and her adherence to Garnet after he was declared a traitor by the royal proclamation.

After all, if the letter were really written, as both these conjectures suppose, by a party to the Plot, for the mere purpose of saving Lord Mounteagle's life by a significant hint, without intending to prevent the execution of the scheme, it is in vain to attempt to discover the author by the handwriting. To such a person it would have been of the first importance to remain unknown; every precaution and artifice would have been used to prevent the tracing of the letter, and it seems preposterous to suppose that either Anne Vaux, the intimate friend of Lord Mounteagle, the near relation

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supposed identity of the handwriting goes much too far. If Anne Vaux wrote the letter in her own undisguised hand, Lord Mounteagle, who had married her cousin, and was her intimate friend, must have recognised it, and must have known from whom the letter came. Would he then have taken this paper to the council, and thus have endangered the life of his friend and relative, who had saved him from destruction? Again, if Mrs. Vaux wrote the letter, and was indifferent whether Lord Mounteagle discovered the writer, there could be no reason why she should have made the communication in this mysterious manner. Besides, if the handwriting were "precisely identical," as this writer supposes, the council, who were in possession of many papers written by Anne Vaux, would not have failed to charge her as a full accomplice to the Plot.

of his wife, or Mrs. Abington, his own sister, would have sent the letter in question without taking care effectually to disguise the character of the handwriting.

It is proper to notice a statement in the "Discourse of the Discovery of the Gunpowder Plot," which would seem to point at Percy as the author of the letter. In that narrative Lord Mounteagle is represented as saying to the Earl of Suffolk, on their return from the cellar, that "considering both his backwardness in religion, and the old dearness in friendship between him and Percy, he did greatly suspect that the letter should come from him." For reasons which will presently be stated, it is improbable that Lord Mounteagle really suspected Percy to be the author of the letter, although to serve the purpose of concealing the real writer he might have expressed such a suspicion. At all events, there is no reason whatever, besides this statement, for supposing Percy to have sent the letter; his "backwardness in religion," and his friendship with Mounteagle, are arguments which apply to several other conspirators, and with particular force to Tresham; and the whole story of Lord Mounteagle's remark to the Earl of Suffolk may have been invented for the purpose of diverting the public mind from the real fact, which it is evident that the Government were anxious to suppress.

Letter probably written or devised by Tresham.

The expression of a confident judgment upon so obscure a question would be unjustifiable; but all the probabilities of the case coincide with the opinion entertained by the conspirators themselves, and ex-

pressed by several contemporary writers, viz. that the person by whom the Plot was in some mode or other declared to Lord Mounteagle, was Tresham. That he actually wrote* the letter may reasonably be doubted; but that he was in some manner the author of the discovery is consistent with all the ascertained facts of the transaction, and is confirmed by many strong circumstances. Amongst the avowed conspirators, there was not one besides Tresham who was ever suspected by his companions to have revealed the secret; whereas Tresham's fidelity was doubted by Catesby and Winter from the moment of his joining the confederacy; and Father Greenway, who was familiar with all their schemes and thoughts, who was with them in London and in Warwickshire, both before and after the discovery of the Plot, expressly says that the suspicions of the conspirators themselves rested upon Tresham, and upon Tresham alone.† Accordingly, we find that by almost all the Roman Catholic historians of the Plot, Tresham is stated to have been the betrayer.‡ No other conspirator had so peculiar an interest in the safety of Lord Mounteagle, who was his brother-in-law, and had been

* This was, however, the general opinion of contemporaries both in England and abroad. The following is an extract from a French account of the Plot in the State-Paper Office :—"Et ce qui rend ce malheureux desseing tant plus affreux et terrible, c'est que pour avoir esté l'affaire un au entièr a trainer, il n'en fut toutesfois conçu aucun soupçon que 8 ou 10 jours auparavant; et ce par le moyen d'une lettre ne portant ny seing ny date, *la quelle un des complices nommé Tressam écrivit au Baron de Montegle son beau-frère.*"

† Greenway's MS.

‡ See Bartoli Historia della Compagnia di Giesu, l'Inghilterra, lib. vi. Juvencii Hist. Soc. Jesu, lib. xiii. sect. 45.

his friend and confederate in former treasons. It is clear too, both from his own statement and that of Father Greenway, that at the last Tresham was from cowardice or conscience a reluctant confederate in the Plot, and anxiously desired to put an end to it, if he could have done so without endangering himself or sacrificing his companions. For these reasons it is, at any rate, not improbable that he should endeavour to effect both these purposes by a communication to Lord Mounteagle, and through him perhaps to the Government, saving his conscience and his natural feelings towards his friends by an express stipulation that a hint of the discovery should be given to the conspirators in order to afford them an opportunity to escape.

It has indeed been suggested that Mounteagle himself was privy to the Plot, and it must be admitted that there are circumstances which at first sight might appear to justify that conclusion. His near connexion through his wife with the principal conspirators, his intimate friendship with some of them, his engagement with several others in recent desperate plots for the advancement of the Roman Catholic cause, and his employment of one of the men who actually worked in the mine in a confidential office near his person, are facts which raise a strong presumption of his criminal implication in the Gunpowder Plot. And such an impression appears to have prevailed to some extent among contemporaries, for Lord Salisbury says in a Letter to Sir E. Coke, containing suggestions of topics to be remembered in his speech on the trials, "You

must not omit to deliver words in commendation of my Lord Mounteagle to show how sincerely he dealt; because it is so lewdly given out that he was once of this plot of powder and afterwards betrayed it all to me."* There is, however, a fact which seems to outweigh all the presumptive evidence against Lord Mounteagle in this matter—none of the ascertained conspirators, although they accuse him unreservedly of assisting in the Spanish treason, charge him either directly or indirectly with being a party to the Powder Plot. Again, if Lord Mounteagle was really one of the sworn conspirators, Greenway must have known the fact. He had their entire confidence. He was their confessor and spiritual adviser. He was familiar with their most secret thoughts and actions. He was in truth himself an active confederate with them in this, as well as in previous treasons. He had even joined the fugitives after the failure of the enterprise,† and had he not contrived to escape beyond sea, he would no doubt have shared their fate. But Greenway describes the transaction nearly in the words of the authorised account. He expresses doubts whether the celebrated letter was really the means of the discovery, but he never intimates a suspicion of

* Draft Letter in State-Paper Office. Criminal Trials, vol. ii. p. 120, note.

† When the disheartened conspirators were on their flight through Worcestershire, Father Greenway came to them from Coughton. On this occasion, Catesby, on seeing Greenway approaching them, exclaimed, "Here is a gentleman that will live and die with us." Henry Morgan's Examination, January 10, 1605, 6. State-Paper Office.

treachery or breach of faith on the part of Lord Mounteagle; on the other hand he denounces Tresham, whom he and the other conspirators always suspected to be the betrayer, in terms of bitter reproach. This silence on the part of all the avowed conspirators, and especially of Greenway, appears to be quite inconsistent with the notion that Lord Mounteagle was a party to the Gunpowder Plot. If he had broken his oath and his faith with them, they could have regarded him with no friendly feeling, and could have had no motive for sparing him when pressed to declare their accomplices.*

It is, however, hardly credible that the letter was the first intimation given to Lord Mounteagle of the Plot. A person intending to preserve his friend from a threatened danger would have taken a more direct and intelligible mode of insuring his object than by this ambiguous and anonymous epistle. No man, of ordinary understanding, still less a person of Tresham's shrewdness and caution, could have calculated with certainty, that this letter, generally unmeaning in its

* This subject is more fully discussed in a paper in the Archæologia, vol. xxix. p. 96. A few years ago, Mr. Bruce discovered a curious letter from Lord Mounteagle to Catesby, which was read by him at a meeting of the Society of Antiquaries, and was published in the Archæologia, vol. xxviii. p. 420. The letter is dated October 12th, but is unfortunately without a date of the year; and unless it was written in the year 1605 it affords no argument to show that Mounteagle was privy to the Plot; and for reasons stated at large in the paper above referred to, it appears more probable that the letter was written in 1602. The letter, however, is a good illustration of the familiar intimacy subsisting between Lord Mounteagle and Catesby.

terms, and particularly obscure as to the kind of danger to be avoided, would have had the effect of diverting Lord Mounteagle, who was by no means deficient in courage, from his purpose of attending the Parliament. Lord Salisbury expresses this opinion in his letter* to Sir Charles Cornwallis, the ambassador in Spain, saying, that "no wise man could think my lord to be so weak as to take any alarm to absent himself from Parliament upon such a loose advertisement." Many considerations tend to confirm the truth of Father Greenway's suggestion, that the whole story of the letter was merely a device of the Government to cover Tresham's treachery, or for some other state reason, to conceal the true source from which their information had been derived.†

The circumstance of Lord Mounteagle's unexpected visit to his house at Hoxton, without any other

* Winwood's Memorials, vol. ii. p. 170.

† In Fullman's Collection at Corpus Christi College, Oxford, there are some notes addressed to Anthony Wood, containing several suggestions respecting the history of the Gunpowder Plot. It is said, "The Lord Mounteagle knew there was a letter to be sent to him before it came;" and, in answer to a query on the note in Fullman's hand respecting the proof of this, there is added afterwards in the hand of the original author of the notes, "by Edmund Church, Esq., his confident," vol. ii. A similar suspicion appears to have occurred to contemporaries; for Sir Edward Hoby, after giving an account of the discovery of the Plot in a letter to Sir Thomas Edmondes, dated November 19, 1605, says, "Such as are apt to interpret all things to the worst will not believe other but that Mounteagle might, in a policy, cause this letter to be sent, fearing the discovery already of the letter, the rather that one Thomas Ward, a principal man about him, is suspected to be accessary to the conspiracy." Add. MSS. in the British Museum, No. 4176. Nicholls's Progresses of James I., vol. i. p. 584.

assignable reason, on the evening in question, looks like the arrangement of a convenient scene; and it is deserving of notice, that the gentleman to whom his lordship gave the letter to read at his table was Thomas Ward, an intimate friend of several of the conspirators, and suspected to have been an accomplice in the treason.* The open reading of such a letter before his household, (which, unless it be supposed to be a part of a counterplot, seems a very unnatural and imprudent course for Lord Mounteagle to adopt,) might be intended to secure evidence that the letter was the first intimation he had of the matter, and would have the effect of giving notice to Ward that the Plot was discovered, in order that he might communicate the fact to the conspirators. In truth he did so on the very next morning; and if they had then taken the alarm, and instantly fled into Flanders, (as it was natural to suppose they would have done,) every part of Tresham's object would have been attained. His scheme was frustrated by the unexpected and extraordinary infatuation of the conspirators themselves, who, notwithstanding their knowledge of the letter, disbelieved the discovery of the Plot from the absence of any search at the cellar, and omitting to avail themselves of the means afforded for their flight, still lingered in London. The conduct of Tresham at this precise point of time is peculiarly remarkable. On the day of the delivery of the letter to Lord Mounteagle he is absent in Northamptonshire,

* Greenway's MS., and Hoby's Letter to Edmondes, November 19th.

which might be contrived to avert the suspicion of the conspirators from himself; two days afterwards he comes to London, and presses Catesby in the most urgent manner to depart; advances him money for his journey, and promises him that when he has left the country he shall always "live upon his purse;"* on the following Saturday, only three days before the fatal 5th of November, he meets Thomas Winter, by appointment, in Lincoln's Inn Walks, tells him that, to his certain knowledge, the cellar and its contents were fully known to the Council, implores him passionately to begone immediately, and talks, as Greenway expresses it, like a "man beside himself" during the whole interview.†

Lord Mounteagle takes the letter to the Earl of Salisbury.

Lord Mounteagle took the letter the same evening to the Earl of Salisbury at Whitehall, whom he found about to go to supper in company with the Lord Admiral and the Earls of Suffolk, Worcester, and Northampton. Taking the Earl of Salisbury aside into another chamber, Lord Mounteagle showed him the letter, and related to him the circumstances of its delivery. As soon as the Earl had read the letter, he told Lord Mounteagle that "he had done like a discreet nobleman not to conceal a matter of such a nature, whatever the consequence might prove;" and he added that "as he had always found his Lordship full of duty and love to his Majesty and the State he would confess to him thus much as an argument that some

* Tresham's Declaration, November 13th.—State-Paper Office.

† Greenway's MS.

practice might be doubted, that he had, during the last three months, acquainted the King and some of his Council, that the priests and laymen abroad and at home were full of practice and conspiracy with most of the Papists of this kingdom, seeking to lay some plot for procuring at this Parliament exercise of their religion." Lord Salisbury showed the letter this same evening to the Lords who were at Whitehall; and it was agreed that nothing should be done until the return of the King, who was then absent on a hunting expedition at Royston.

CHAPTER IV.

Conspirators informed of the Letter to Lord Mounteagle—Fawkes's courage in visiting the Cellar—The Letter shown to the King—Search of the Cellar—Apprehension of Fawkes—His first Examination—Flight of the Conspirators—Rendezvous at Dunchurch—Determination to go into Wales—John Talbot of Grafton—Desperate condition of the Conspirators on their flight—Explosion of Gunpowder at Holbeach—Catesby, Percy, and the two Wrights killed, and other Conspirators taken—Apprehension of Tresham—His Declaration—His Death—His dying retractation of his statements respecting Garnet.

Notice to the Conspirators of the Letter to Lord Mounteagle.

THOMAS WINTER had received notice of the letter to Lord Mounteagle, and also of its delivery to the Secretary of State, the morning after the latter circumstance had taken place, by means of an express communication from Thomas Ward, the gentleman who had first read the letter to Lord Mounteagle.* This intelligence, which was instantly conveyed by Winter to Catesby, filled the minds of both with anxiety and alarm. Before they communicated it to the other conspirators, they determined to ascertain with certainty whether the Plot was actually discovered, and, if neces-

* Greenway's MS.

sary, to take immediate measures to save themselves and their confederates by flight. This they might easily have accomplished by means of the ship then lying in the Thames, which was to have conveyed Fawkes to Flanders as soon as the explosion had taken place, and which was ready to sail at a few hours' notice. Their first step was to endeavour to discover the author of the letter. Their suspicions rested wholly on Tresham; who, at the time the letter was received, had been absent for about a week in Northamptonshire. He returned on Wednesday, the 30th of October, and Catesby and Winter sending for him to White Webbs to confer with him on business of importance, directly charged him with having written the letter to Lord Mounteagle. They had previously resolved that if he confessed the fact, or confirmed their suspicions by faltering or hesitation, they would have poniarded him on the spot. He denied the charge with such firmness, and with so many oaths and solemn protestations, that their purpose was shaken, though they still doubted his sincerity. They then returned to London, and sent Fawkes to the cellar, without informing him of the danger he ran in such an expedition, to observe whether the private marks placed within the door had been disturbed. He went accordingly, examined the cellar carefully, and found all the marks precisely as he had left them. On returning to Catesby and Winter with this report, they for the first time informed him of the letter to Lord Mounteagle, and excused themselves by the

necessity of the case, for having placed him in such imminent peril without warning him of it. Fawkes declared that he should have executed the commission quite as readily if he had known of the letter before he went; and undertook to go daily to the cellar to make a similar examination. Encouraged by the absence of any search for so many days, the conspirators flattered themselves that the import of the letter had been mistaken, or that it had been considered by the Government as a mere practice upon the credulity of Lord Mounteagle, and they no longer concealed the circumstance from such of their confederates as were in London.*

The Letter shown to the King.

The King returned to London on Thursday, the 31st of October, and on the following day the letter was shown to him by Lord Salisbury, and the circumstances of its delivery to Lord Mounteagle were related to him. According to the courtly version of the story in the history of the Gunpowder Plot, the penetration of the King, which is ascribed by Sir Edward Coke, in his speech on the trial of the conspirators, to a divine illumination, immediately discovered the whole scheme in the obscure language of the letter. His sagacity, it is said, instantly construed "the terrible blow to be received this Parliament" to be a blowing-up of the Parliament House with gunpowder; and the words, "the danger is past as soon as you have burnt this letter," which appeared to Lord Salisbury, and which must appear to every common understanding, mere nonsense, were at once

* Greenway's MS.

understood by the English Solomon to refer to the "suddenness and quickness of the danger, which should be as quickly performed and at an end as that paper should be a blazing up in the fire." Unfortunately for the credit of this tale of royal discernment, Lord Salisbury, in his relation of the transaction to Sir Charles Cornwallis, the ambassador at the Court of Spain,* and also in a narrative of the discovery of the Plot, to be found at the State-Paper Office, declares that this interpretation of the letter had occurred to himself and the Lord Chamberlain, and had been communicated by them to several Lords of the Council, before the subject had been mentioned to the King. He also states, that on showing the letter to his Majesty, the King concurred with them in thinking, that "that should be done which would prevent all danger, or nothing at all;" and therefore that till the night before the King went to the House, "nothing should be done to interrupt any purpose of theirs that had any such devilish practice, but rather to suffer them to go on to the end of the day." Accordingly, though the discovery of the nature of the Plot is stated to have taken place a full week before, no search was undertaken at the cellar until Monday the 4th of November, the day before that on which the meeting of Parliament was to take place.

On Sunday, the 3rd of November, the conspirators heard from the same individual who had first informed them of the letter to Lord Mounteagle, that the letter

* Winwood's Memorials, vol. ii. p. 173.

had been shown to the King, who made great account of it, but enjoined the strictest secrecy. This intelligence destroyed all their confidence, and troubled them exceedingly. They determined, however, to have another interview with Tresham, and an appointment was made by Thomas Winter to meet him in Lincoln's Inn Walks on the same evening. Tresham spoke like a frantic man; he said that to his certain knowledge the whole Plot was discovered, and that they were all lost men, unless they saved themselves by instant flight.* This conduct and language on the part of Tresham, being reported by Winter to the confederates, convinced them that he was in communication with Lord Mounteagle, and perhaps with the Government; but under an unaccountable infatuation that Tresham might be deceived respecting the extent of the information possessed by the Council, or that he was interested in deceiving them as to the discovery of the cellar, they resolved, at the urgent suggestion of Percy, to await the event of the following day. It was settled, however, that Catesby and John Wright should at all events leave London on the following afternoon, and join Sir Everard Digby at Dunchurch. Percy and Thomas Winter concealed themselves in an obscure lodging, and all who remained in London held themselves ready to start at a moment's notice. Fawkes alone, with that extraordinary courage which he had displayed throughout the transaction, took up his solitary station at the cellar.

Misgivings of the Conspirators respecting Tresham.

* Greenway's MS.

Search of the Cellar by the Lord Chamberlain.

On the Monday afternoon, the Lord Chamberlain, whose duty it was to see that all the arrangements for the meeting of Parliament were complete, went to the Parliament House, accompanied by Lord Mounteagle, who, it was said, expressed a desire to be present at the search. They first went into the Parliament Chamber, and remained there a considerable time; and then visited the vaults and cellars under the house. They remarked the great store of coals and wood there, and perceived Fawkes standing in a corner. The Lord Chamberlain, with affected carelessness, inquired to whom this large provision of fuel belonged; and being informed that the cellar and its contents belonged to Percy, and that he had rented it for about a year and a half, retired without making any more particular search, to report his observations to the King. On their way, Lord Mounteagle expressed his fears and suspicions that some mischief was intended, on the ground, because although he was an intimate friend of Percy, and had lived with him for many years on terms of familiarity, he had not the least notion that he ever inhabited this house. Upon hearing the statement of the Lord Chamberlain, who declared the store of coals and wood to be beyond all proportion to the wants of a person who dwelt so little in the house as Percy, and that the man in the cellar looked like "a very tall and desperate fellow," it was determined by the King, with the concurrence of several of the Privy Council, that the cellar should that night be minutely searched. In order, however, not to

excite premature alarm, they employed Sir Thomas Knevet, a magistrate in Westminster (who had been a gentleman of the Privy Chamber in the late Queen's time, and still held the same office), to superintend a general search of all the houses and cellars in the neighbourhood, under pretence of looking for some stuff and hangings belonging to the King's wardrobe, which had been missing ever since the death of the late Queen.*

Meanwhile, the visit of Lord Mounteagle to the cellar, and the inquiry of the Lord Chamberlain respecting the wood and coals, had been quite sufficient to alarm the vigilance of Fawkes. He went out to inform Percy of what had happened, but returned himself to his dangerous post; fully determined, as he afterwards declared, to have blown up the house on the first appearance of danger, and so to have perished together with those who might come to apprehend him.

Fawkes is arrested.

Shortly before midnight, on the eve of the celebrated 5th of November, Sir Thomas Knevet, accompanied by a sufficient number of assistants, repaired secretly and suddenly to the house. At the moment of their arrival, Fawkes was stepping out of the door, dressed, and booted, having, as he afterwards said, just then ended his work. He was stayed, and Sir Thomas Knevet proceeded to examine the cellar, where he found thirty-six barrels of powder under the billets, in casks and hogsheads. Upon this discovery, Fawkes

* Lord Salisbury's Letter to Sir C. Cornwallis.

was seized and bound hand and foot; a watch, together with slow matches and touchwood, were found upon his person, and a dark lantern,* with a light in it, was discovered in a corner behind the door of the cellar. He at once avowed his purpose to Sir Thomas Knevet, and declared that "if he had happened to be within the house when he took him, he would not have failed to have blown him up, house, himself and all."†

Fawkes's Examination at Whitehall.

Having left a sufficient guard with the prisoner, Sir Thomas Knevet repaired to Whitehall to give notice of his success to the Earl of Salisbury. It was now about one o'clock in the morning. Such of the Council as slept at Whitehall were called, and the others who were in town summoned; and the doors and gates being secured, all assembled in the King's bedchamber. Fawkes was brought in and questioned. Undismayed by the suddenness of his apprehension, or by the circumstances of this nocturnal examination before the King and Council, this resolute fanatic behaved with a Roman firmness of nerve, which filled the minds of all who were present with astonishment, and his cool audacity naturally suggested a comparison with the conduct of Mutius Scævola when

* An ancient lantern is shown at the Bodleian Library, which is said to be the identical lantern found in the cellar; it bears the following inscription:—"Laterna illa ipsa quâ usus est, et cum quâ deprehensus Guido Faux in cryptâ subterraneâ ubi domo Parliamenti difflandæ operam dabat. Ex dono Robti. Heywood nuper Academiæ Procuratoris, Ap. 4°, 1641."

† History of the Gunpowder Plot. Stow, p. 878.

brought before King Porsenna. "In all this action," says Lord Salisbury in a letter to Sir C. Cornwallis, "he is no more dismayed,—nay, scarce any more troubled, than if he were taken for a poor robbery on the highway."* To the impatient and hurried questions which were put to him with some violence and passion, he answered calmly and firmly that "his name was John Johnson, and that he was a servant of Thomas Percy;—that when the King had come to the Parliament House that day, and the Upper House had been sitting, he meant to have fired the match, and fled for his own safety before the powder had taken fire; and that if he had not been apprehended that night, he had blown up the Upper House, when the King, Lords, Bishops, and others had been there." The King asked him, "Why would you have killed me?" "Because," replied Fawkes, "you are excommunicated by the Pope." "How so?" said the King. "Every Maunday Thursday," answered Fawkes, "the Pope doth excommunicate all heretics, who are not of the Church of Rome; and you are within the same excommunication."† Being asked if his purpose had taken effect, what would have been done with the

* Winwood's Memorials, vol. ii. p. 172.

† This part of the dialogue was related by Sir Edward Coke when Lord Chief Justice a few years afterwards in the discussion of a case in the King's Bench.—See Godbolt's Reports, p. 264. Fawkes, no doubt, referred to the Bulla Cœnæ Domini, by which, on Maunday Thursday in every year, an anathema was solemnly pronounced against all Protestants, whether princes or people.—See the Bishop of Lincoln's Letter, appended to the edition of The "Gunpowder Treason" published in 1679, pp. 79, 120.

Queen's Majesty and her royal issue, he replied, that "if they had been there he could not have helped them." Being asked by the King how he could conspire against his children and so many innocent souls, he answered "Dangerous diseases require a desperate remedy." His temper appears to have been only once disturbed. When questioned as to his intentions by some of the Scotch courtiers, who were especially odious to the Roman Catholics, he fiercely told them that "one of his objects was to blow them back again into Scotland."* Being further asked who were party or privy to this conspiracy, he answered that "he could not resolve to accuse any."† Some brewer's slings (a kind of handbarrow to be used by two persons) having been found in the cellar, he admitted that he used them to remove the powder from one cellar to the other. He was then asked, "Who helped you to remove the barrels of powder, seeing you were not able to remove them alone with slings, with which you confess you did remove them?" He answereth "he cannot discover the party, but he shall bring him in question."‡ After a great part of the night had been spent in

* MS. Letter of Sir Edward Hoby to Sir Thomas Edmondes.

† John Johnson's Examination, 5th November 1605.—State-Paper Office.

‡ Fawkes's Examination, November 6th, 1605.—State-Paper Office. On the fly-leaf of this Examination are the following words in Sir William Waad's handwriting:—"You would have me discover my friends;" and immediately beneath—"The giving warning to one overthrew us all." These are evidently loose notes of Fawkes's expressions, put down at the time, but not inserted in the Examination.

examination. Fawkes was sent with a guard to the Tower, where for the present we leave him, in order to trace the fortunes of his companions.

Flight of the Conspirators.

Immediately after Fawkes had given notice of the visit of the Lord Chamberlain and Lord Mounteagle to the cellar, Catesby and John Wright fled. Percy and Christopher Wright waited till they ascertained that Fawkes was seized, and then left London; but Rookwood and Keyes, who dwelt in the same lodging, and whose persons were not known in London, determined to remain till they received more conclusive intelligence. On going abroad the next morning they perceived amazement and terror in the countenances of all they met. The news of Fawkes's apprehension, and exaggerated rumours of a frightful plot discovered, were spread in every direction. Guards of soldiers were placed not only at the palace gates but at all the streets and avenues in the neighbourhood, and no person was allowed to pass. Upon this, being convinced that all was known, they also determined to fly. Keyes quitted London immediately; but Rookwood, who had placed relays of horses all the way to Dunchurch, lingered to the last moment, in order that he might be able to convey to his confederates in Warwickshire the latest intelligence of what had taken place in London. At eleven o'clock in the forenoon he also took horse and rode hastily away. About three miles beyond Highgate he came up with Keyes, in whose company he rode on for some distance. It does not distinctly appear what became of Keyes from this

time until he was apprehended in Warwickshire several days afterwards. It is clear that he parted from Rookwood in Bedfordshire, and it may, therefore be conjectured that he went to Lord Mordaunt's house at Turvey, where his wife resided. Rookwood rode on to Brickhill, near which place he overtook first Catesby and John Wright, and shortly afterwards Percy and Christopher Wright;* and from thence all five rode together with the utmost speed to Ashby St. Legers, in Northamptonshire. The astonishing rapidity with which they travelled appears from the fact that Rookwood left London at about eleven o'clock in the forenoon and reached Ashby at six in the evening of the same day, a distance of nearly eighty miles. He says himself that "he rode thirty miles of one horse in two hours," and that "Percy and John Wright cast off their cloaks and threw them into the hedge to ride the more speedily."†

Rendezvous at Dunchurch.

It will be remembered that it was part of the original plan that Sir Everard Digby should collect at Dun-

* A servant of Percy's was sent by Sir Everard Digby, with two fresh horses to Hockliffe, between Brickhill and Dunstable, to meet his master and Christopher Wright, and to take their tired horses. He says that "he saw John Wright passing Hockliffe, who gave him a note for Catesby's boy to let him know where his master was? And he asked the boy, 'What news in London?' And he said, 'Nothing but evil news,' and wept and rode away. Afterwards Percy and Christopher Wright came, and asked for the geldings; and never stayed or went into the house, but only into the stable, and rode a-gallop away."—Story's Examination, November 8th. State-Paper Office.

† Rookwood's Examination, December 2nd, 1605.—State-Paper Office.

church, under the pretence of a great chase on Dunsmore Heath, a party of gentlemen friendly to the Roman Catholic cause; and this place was to be the general rendezvous of the conspirators, on Tuesday night, the 5th of November, after the blow was struck in London. With a view to this arrangement, Sir Everard Digby, on the 29th of October, removed Lady Digby and his family, and with them Father Garnet, from his own house at Goathurst to Coughton Hall, near Alcester, in Warwickshire, which then belonged to Mr. Thomas Throckmorton.* Sir Everard himself rode from Coughton to Dunchurch, on Sunday the 3rd of November; and on the same day Robert Winter, having given notice to the two Littletons, according to the agreement with Catesby, left his house at Huddington, and sleeping on the Sunday night at Grafton, the residence of his father-in-law, John Talbot, rode the next day in company with the younger Acton, of Ribbesford, and attended by several servants, to Coventry, where he was met by Humphrey and Stephen Littleton. On the following day, Tuesday the 5th of November, they proceeded towards Dunchurch, their company and attendants (all of whom were more or less armed) constantly increasing by the way. At Dunchurch, Winter left the Littletons at the "town's end," and rode himself, with Acton and several others, to the residence of Lady Catesby, at Ashby St. Legers, to which place it was expected Catesby would come,

* Wm. Andrews's Examination at Leicester, November 8th, 1605. —State-Paper Office.

on his way from London to the rendezvous. About six o'clock in the evening, just as Winter and his companions were about to sit down to supper with the lady of the mansion, Catesby, Percy, the two Wrights, and Rookwood, fatigued and covered with dirt, arrived with the news of the apprehension of Fawkes and the total overthrow of the main design. After a short conference upon the course to be adopted in this emergency, the whole party, taking with them all the arms they could find, rode off to Dunchurch. There they found the house filled with a large party of anxious and excited guests; for though only a few were informed of the specific nature of the intended action, all were aware that some great and decisive blow was about to be struck in London for the Roman Catholic cause, the intelligence of which they were that night to receive. On the arrival of the party from London, their jaded appearance, their dejected looks, and their gloomy conferences with Sir Everard Digby and the other sworn confederates, plainly told the tale of disappointed treason. Sir Robert Digby of Coleshill, an uncle of Sir Everard, immediately departed with one of his sons; Humphrey Littleton and many others followed; and the company rapidly melted away, till at last few remained, except those whose names were enrolled and registered as full accomplices in the whole plot, and who, as they had every reason to fear, were already known to the Government by the disclosure of Fawkes.*

* These particulars are taken partly from Robert Winter's letter

In the midst of these discouraging appearances, one ground of hope occurred to the mind of Catesby, and upon that, after a short consultation, the conspirators resolved to rely. The Roman Catholics in Wales and the counties bordering upon the principality, who were a numerous and powerful body, were known to be in the highest degree discontented with the present Government. It was proposed, therefore, that with as large a force of their own retainers and servants as they could raise, they should traverse the counties of Warwick, Worcester, and Stafford into Wales, exciting the Roman Catholic gentry as they went along to join them. They expected that the Roman Catholic population in the western counties would readily co-operate with them; and having once established themselves in considerable force, they hoped their proceedings might be the signal for a general insurrection of the Roman Catholics of England.

Determination to go into Wales.

The confederates relied in particular upon the assistance of Mr. Talbot of Grafton, a wealthy and influential member of one of the most important families in England. Mr. Talbot was presumptive heir to the Earldom of Shrewsbury, to which title his son a few years afterwards actually succeeded, and which, in modern times, has been borne by his lineal descendants. He was a zealous Roman Catholic. He had married a daughter of Sir William Petre, Secretary-of-State to

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to the Lords of the Council, on January 21st, 1605-6, and partly from the examinations of a great variety of witnesses taken in the country, and remaining in the State-Paper Office.

Queen Mary, and had been repeatedly subjected to imprisonment and penalties for recusancy in the reign of Elizabeth. Mr. Talbot's daughter had married Robert Winter, and probably this connexion may have been the principal reason which induced Catesby to introduce Winter into the conspiracy. Sir Everard Digby, in one of his letters from the Tower after his apprehension, says "Those that are dead (meaning Catesby and Percy) did promise that all forces in those parts about Mr. Talbot would assist us;" and in another letter he says, "We all thought that if we could get Mr. Talbot to rise, it would be not a little; and we had in our company his son-in-law, who gave us some hope of and did not much doubt it."* Robert Winter, indeed, in his various examinations uniformly denied that he gave the conspirators any reason to hope for his father-in-law's assistance. Mr. Talbot was himself examined, and his statement, which is still extant at the State-Paper Office, consists of a denial of all knowledge of the scheme, and an indignant disavowal of its object. Nor is there a particle of evidence in existence to make it probable that he was acquainted with it.† But it was natural that the conspirators should look to him as one whose remembrance of past sufferings,

* See Digby's Letters, appended to "The Gunpowder Treason," published by the Bishop of Lincoln in 1679.

† Sir Edward Coke in his speech on the trials says that "John Talbot of Grafton was at least in case of misprision of high treason;" but he probably referred to his omission to arrest some of the conspirators who came to his house after he was informed of their treason.

and apprehension of future severities on account of religion, would lead to join in any movement designed to establish a Roman Catholic ascendency in England.

It was of the utmost importance to the conspirators that they should be prompt in their measures, and accordingly they departed from Dunchurch before ten o'clock the same night, for the house of John Grant at Norbrook. On their way thither they broke open the stable of a breaker of cavalry horses at Warwick in the middle of the night, and took from thence nine or ten horses, leaving their own tired horses in their places.* From Norbrook, Catesby's servant, Bates, was despatched to Coughton, which was distant only about ten miles, with a letter from Sir Everard Digby to Father Garnet, containing the account of their failure, and informing him of their present design. This circumstance afterwards formed a material part of the evidence in proof of Garnet's privity to the design of the conspirators. The party halted only an hour or two at Norbrook, for the purpose of further arming themselves and refreshing their horses, and immediately proceeded through Alcester on their way to the house of Robert Winter at Huddington, where they arrived about two o'clock in the afternoon of Wednesday, the 6th of November. Here they were joined by Thomas Winter, who had left

* Rookwood says, in his examination of December 2nd, 1605, that "before they came to Warwick, he left them and rode before to Mr. Grant's house; and seeing he was so well horsed as he was (he having fifteen or sixteen good horses), he meant not to adventure himself in stealing of any."

London the day before. From Huddington, Thomas Winter and Stephen Littleton, by the general consent of the party, were despatched to Mr. Talbot of Grafton, to invite him to join with them; but the old gentleman received them roughly, refused to admit them into his house, and dismissed them with threats and reproaches. At sunrise the next morning, Thursday the 7th of November, the whole company proceeded to Whewell Grange, a seat of Lord Windsor's, where they seized a large store of arms and armour, and went on the same night to Holbeach, the house of Stephen Littleton, on the borders of Staffordshire.

Despondency of the Fugitives.

By this time the enthusiasm of most of the members of this desperate expedition had grown cold. They had traversed a distance of about sixty miles in two days, over bad and broken roads, in rainy and inclement weather. Their numbers, which at no time exceeded one hundred men, were now reduced to sixty by frequent desertions; which circumstance obliged the gentlemen to watch by turns night and day, with loaded pistols, and a determination to shoot any man who attempted to steal from his quarters. Notwithstanding all their endeavours to check it, however, it is clear from the numerous examinations of stragglers taken during the march, that the desertion hourly continued. The hopes they originally entertained of accessions to their numbers had hitherto wholly failed: "Not one man," says Sir Everard Digby,* "came to

* Digby's Examination, December 2nd, 1605.—State-Paper Office.

take our part, though we had expected so many." The Roman Catholic gentry drove them from their doors, reproaching them with having brought ruin and disgrace on the Roman Catholic cause by their ill-advised enterprise; while the common people stood and gazed upon their irregular train as they passed through the towns and villages, evincing anything but a disposition to join them. It is related in some of the examinations that while they were ransacking Lord Windsor's house for arms, some twenty or thirty of the country-people, attracted by curiosity, came round them. Catesby asked the countrymen "Whether they would go along with them?" One of them answered, that "if they knew what they meant to do, it might be they would." Catesby said, "We are for God and the country." Whereupon the countryman placed his back against the wall, and set up his staff before him, saying, that "they were for King James as well as for God and the country, and would not go against him." And upon this all the countrymen left the place.*

The presence of Sir Richard Walsh, the Sheriff of Worcestershire, who had closely pursued them the whole of Thursday, with many gentlemen of the country, and the *posse comitatus*, added not a little to their uneasiness and distress. At Holbeach they resolved to make a stand against their pursuers, who, though more numerous than themselves, were by no means so well armed and mounted; and accordingly

* Thomas Maunder's Examination, November 1605; Ellis's Examination, November 21st, 1605.—State-Paper Office.

they spent a great part of Thursday night in preparing the house for an assault. Early the following morning Stephen Littleton secretly escaped from Holbeach. Sir Everard Digby also here forsook the enterprise, intending, as he says, to have hastened some succours which were expected from other Roman Catholics. He was overtaken near Dudley by the hue and cry, and being immediately recognized, surrendered himself and was conveyed to London.

Explosion of Powder at Holbeach.

Soon after the departure of Littleton and Sir E. Digby, an accident happened which had nearly proved fatal to several of the principal conspirators. A quantity of powder, which had been carried in an open cart from Lord Windsor's the day before, had been wetted in passing through a ford of the Stour, which had been swelled by the heavy rain. Catesby, Rookwood, and John Grant were occupied in drying it upon a platter over a large fire, when a coal falling amongst it, the whole blew up with a tremendous explosion. A remarkable circumstance relating to this accident was mentioned by Sir Edward Coke in his speech on one of the trials. The platter upon which the powder was drying was laid near a large linen bag full of gunpowder, which was carried out through the roof by the explosion without being ignited, and was afterwards taken up whole in the court-yard. The quantity of powder in the bag was sufficient, had it taken fire, to have burst the house asunder, and to have destroyed every individual within it. As it was, those of the party who were nearest to the powder were severely burned;

and Catesby and several others were at first supposed to be killed; upon which the elder Wright, running up to Catesby, clasped him round the body, exclaiming, "Woe worth the time that we have seen this day!" and called for the rest of the powder that he might set fire to it and blow up themselves and the house together.* Superstition mixed its horrors with the general amazement and consternation produced by this accident. It seemed to some of those wretched men to be a judgment from Heaven, that they should perish by the very means they had provided for the destruction of so many of their fellow-creatures. Catesby himself lost his firmness, and expressed his fears that God disapproved of their project;† and Rookwood and others, "perceiving God to be against them, all prayed before the picture of our Lady, and confessed that the act was so bloody as they desired God to forgive them."‡ Robert Winter, who from the beginning had shown a faint heart in the enterprise, was now fully determined to forsake it. On the night before the intended meeting of Parliament, his imagination being excited by constantly dwelling upon the horrible catastrophe which was in preparation, displayed to him in a dream several faces strangely blackened and disfigured, and he imagined that he could recognise in the swoln and distorted features of Catesby and his companions after the explo-

* Thomas Bates's Confession, December 4th, 1605.—State-Paper Office.

† Stephen Littleton's Examination, January 17th, 1605-6.—State-Paper Office.

‡ Rookwood's Examination (without date).—State-Paper Office.

sion at Holbeach the same ghastly visages which, since his dream, had continually haunted his memory.* He went away the same morning soon after the accident, and joined Stephen Littleton in a wood about a mile from Holbeach. Thomas Bates, Catesby's servant, also escaped from Holbeach the same morning; he was arrested a few days afterwards in Staffordshire, and being sent to London, became by the disclosures he made the most material witness against Father Garnet and Father Greenway.

Holbeach assaulted, and Catesby, Percy, and the two Wrights killed.

About the middle of the day Sir Richard Walsh arrived at Holbeach, and, surrounding the house with his company, summoned the rebels in the King's name to lay down their arms and surrender. Upon their refusal to comply with this requisition, the Sheriff ordered a part of the house to be set on fire, and an assault to be made on the gates of the court-yard. In crossing the court Thomas Winter was shot through the arm by a cross-bow arrow and disabled; upon which Catesby, who was standing at one of the doors, called to him, "Stand by me, Tom, and we will die together;" the two next shots mortally wounded both the Wrights;† after which Catesby and Percy, who were standing back to back, were both shot through the body with two bullets from one musket.‡ Catesby,

* Fawkes's Examination, January 26th, 1605-6.—State-Paper Office.

† Thos. Winter's Confession in the History of the Gunpowder Plot.

‡ This shot was fired by one of the sheriff's men, named John Streete, who received a pension of two shillings a-day from the

feeling himself mortally wounded, crawled into the house upon his hands and knees, and, seizing an image of the Virgin which stood in the vestibule, clasped it in his arms and expired.* Stow relates that Catesby, when dying, declared "that the plot and practice of this treason was only his, and that all others were but his assistants, chosen by himself to that purpose. And that the honour thereof only belonged unto himself." Percy was taken prisoner, but died of his wounds the next day. Rookwood, who had been severely hurt by the powder in the morning, was shot through the right arm by a musket, and wounded in the body by a pike. At last the assailants rushing into the court-yard soon overpowered the feeble resistance opposed to them, and made prisoners of the whole party.†

King for this service. There is a warrant in the State-Paper Office for the payment of the arrears of this pension, in the third year of the reign of Charles I., which is described to be "for that extraordinary service performed in killing those two traitors, Piercie and Catesbie, with two bulletts at one shott out of his muskett."

* Greenway's MS.

† Sir Thos. Lawley, who attended the Sheriff of Worcestershire on this occasion, says, in a letter to the Earl of Salisbury—"One of my servants was the first man that entered upon them at Holbeach, and took Thomas Winter alive and brought him unto me, whom I delivered to the sheriff, and thereupon hasted to revive Catesby and Percy and the two Wrights, who lay deadly wounded on the ground, thinking by the recovery of them to have done unto his Majesty better service than by suffering them to die. But such was the extreme disorder of the baser sort, that while I with my men took up one of the languishing traitors, the rude people stripped the rest naked; and their wounds being many and grievous, and no surgeon at hand, they became incurable, and so died."—Add. MSS. in the British Museum, No. 6178, p. 565.

Keyes was arrested on the same day in Warwickshire; he had not accompanied the rebels on their march from Dunchurch to Holbeach, but was probably on his way to join them when he was apprehended. In what manner he had been employed, after he parted from Rookwood on the 5th of November, is uncertain. He was immediately sent to Sir Richard Walsh, and was soon afterwards conveyed to London, with the survivors of those who had been engaged at Holbeach.

Escape of Robert Winter and Stephen Littleton.

It has already been stated that Robert Winter and Stephen Littleton escaped from Holbeach on the morning of the accident with gunpowder, and before the assault upon the house by Sir Richard Walsh.* Being well provided with money on their first escape, they bribed a farmer, near Rowley Regis, in Staffordshire, to secrete them in his barn. This man was a tenant of Humphrey Littleton, who, though he had left the party at Dunchurch, was a concealed friend of the conspirators. Here they continued some time; but suspicion being raised in the country by the incautious conduct of the farmer, they were compelled to quit this asylum; and, after concealing themselves

* The particular adventures of these two ill-fated fugitives, who contrived for upwards of two months to elude the vigilant search which was instituted for them, by wandering up and down the country in disguise, are related in a most interesting contemporary narrative, entitled, 'A true historicall Declaration of the Flight and Escape of Robert Winter, Esquier, and Stephen Littleton, Gent., when the rest of the traytours were apprehended; the straunge manner of their living in concealment so long time; how they shifted to several places, and in the end were descryed and taken at Hagley, being the house of Mrs. Littleton."—Harleian MSS., No. 360.

at several farm-houses, which they left respectively as they received intimation from Humphrey Littleton that they were no longer safe there, they came on new year's day, in the morning very early, to the house of one Perkes at Hagley. Perkes, who knew them, and had probably been instructed by Humphrey Littleton, concealed then in a barley mow in his barn, where they were harboured and relieved by him for several weeks.

At length, however, their humble place of refuge was accidentally discovered by a labouring man to whom their persons were known; and as a reward had been offered by the Royal Proclamation for their apprehension, they were sensible that there was no longer safety for them in Perkes's barn. Humphrey Littleton, therefore, removed them to Hagley House, at that time the residence of Mrs. Littleton, his brother's widow, who was absent. But being recognised by the servants, the town was raised against them, and they were apprehended.* Stephen Littleton and Robert Winter were immediately sent to London and committed to the Tower, and Humphrey Littleton was sent together with Perkes and his servants to Worcester charged with misprision of treason in harbouring them after the Royal Proclamation. It will be seen in the sequel that Humphrey Littleton afterwards performed an important part in this drama by declaring circum-

* The cook at Hagley, John Fynwood, received an annuity of forty marks in consideration of his services on this occasion.—Rymer's Fœd., vol. xvi. p. 640.

stances which incidentally led to the discovery of the retreat of Garnet the Jesuit.

Tresham's apprehension and examination.

It has been above stated, that for some weeks before the discovery of the plot, Tresham had taken no part in the consultations of the conspirators, and reasons have been suggested which appear to designate him as the person by whom the discovery was made. Upon the apprehension of Fawkes, he remained in his usual place of abode in London, showed himself openly in the streets, and even went to the Council and tendered his active services to suppress and apprehend the rebels.* He was not arrested until the end of a week after the discovery of the Plot. This delay may not be altogether without significance. It is quite clear from an examination of Fawkes, taken on the 7th of November, that the Government at that time knew that Tresham was involved in the conspiracy, for his name is directly suggested by the examiners together with those of Catesby, Rookwood, Grant, and the two Wrights; yet although a proclamation was issued on that very day against the others, Tresham's name is not mentioned in it.† Again, on the 9th of November, Fawkes expressly mentions him as being a full accomplice in the plot; still he was suffered for several days to remain at large, and was not arrested and taken before the Council for examination until the

* Stow's Chronicle, p. 880; Sir E. Hoby's Letter to Sir Thomas Edmondes.

† Fawkes's Examination, November 7th, 1605. State-Paper Office. Stow's Chronicle, p. 880.

12th of November. No reason for this exceptional course in the case of Tresham is distinctly perceptible; but it certainly strengthens the conjecture that he was, in some way or other, instrumental in discovering the Plot to the Government. In his first statement before the Commissioners, Tresham admitted that he had seen and conversed with both Catesby and Thomas Winter a few days only before the 5th of November, but declined to state the subject of their conversation; and upon his "being told that he stood accused by principal actors in this treason, and therefore that it behoved him to speak clearly,"* he answers enigmatically, that he "wished their lordships all knew what he had said or done in the business so as he might not be the teller of it."† On the following day he sends to the Council a long and laboured declaration,‡ of which the following is a summary:—he states, "that he was informed of the plot by Catesby about the 15th of October preceding; that he discouraged it in the strongest terms, and finding that he could not induce him to abandon it totally, he urged Catesby at least to defer the execution of it till the end of the session of Parliament, and in the mean time to secure

* "Some men," says Selden, in his Table Talk, "before they come to their trial, are cozened to confess upon examination. Upon this trick they are made to believe somebody has confessed before them, and then they think it a piece of honour to be clear and ingenuous; and that destroys them."

† Examination of Francis Tresham, November 12th, 1605.—State-Paper Office.

‡ Declaration of Francis Tresham, November 13th.—State-Paper Office.

himself and his companions by passing over to the Low Countries; that he told Catesby that if he wanted means for his expenses in the interval, he should spend what he would upon his purse; that Catesby said he could not finally determine upon any alteration of the scheme without the consent of Percy, who was absent in the north; that he afterwards met Catesby at Barnet, when Catesby declared that Percy would be in London that night, and that he had determined to go away the following day if Percy agreed to it; that upon Tresham's again offering him the use of his purse, Catesby said that if he decided to go to Flanders he would send Thomas Winter to him for 100*l*; that the next day Thomas Winter came to him in Lincoln's Inn for the money, which he gave him, and was assured by him that it was settled between Catesby and himself, that they should depart immediately, and that the master of the ship had all things in readiness, and had appointed the creek where they were to embark." "After this time," says Tresham, "I never heard more of them, until the news ran over the town upon Tuesday; when, upon the salvation of my soul, I did think they had been beyond sea, and listened after their safe arrival, intending then to have taken a course to have given the state advertisement thereof by some unknown means. This was the only way I could resolve on to overthrow the action, to save their lives, and to preserve my own fortunes, life, and reputation; and in this I saw no great difficulty, for they had all nothing left here which a ship could not carry, and they

had only made themselves means to live until the first day of the Parliament; and if they had not been overthrown by this course, their debts and wants would have driven them out of the kingdom. Thus neither my hand, purse, or head was either in the acting or contriving of this plot; but being lately and unexpectedly fallen into it, I sought, by all the arguments I could, to dissuade it: the silence I used was only to deliver myself from that infamous brand of an accuser, and to save Catesby's life, which in all true rules I was bound to do."

This artful declaration is dated the 13th of November; on the 15th he was committed to the Tower, and it does not appear that he was examined again until the 29th of November.

In the meantime the conspirators who had been taken at Holbeach had arrived in London, and from their statements, and especially from that of Thomas Winter, a much clearer light was thrown upon the details of the transaction. Winter in particular declared that the Lord Mounteagle, Catesby, Tresham, and Father Greenway had all been privy to his mission to the King of Spain, about a year before the death of Elizabeth. The conspirators at this time appear to have known that Greenway had escaped beyond sea, and therefore they made no scruple to mention his name. But the Government suspected, or might perhaps be informed by Mounteagle, that to this treasonable correspondence with Spain Father Garnet, as well as Father Greenway, was

a party. Finding, however, that the fact could not be extracted from Winter, who firmly denied it, the Commissioners determined to have recourse to Tresham, who, upon much pressure by those who examined him, and after much prevarication on his own part, confessed "that Greenway and Garnet, as well as Lord Mounteagle and Catesby, were acquainted with the fact and the purpose of that mission."* Possibly he may have considered, at the time he made this admission, that Garnet was protected from the consequences of his implication in a treason committed in a former reign by the general pardon granted by James upon his accession.

Tresham's admission respecting Garnet.

Soon after his imprisonment this miserable man was attacked by a dangerous and painful disease, which had reduced him to the extremity of weakness, and rendered it necessary that his wife and a confidential servant should constantly attend him. On the 15th of December, the Lieutenant of the Tower writes to Lord Salisbury, "Tresham is worse and worse. To-morrow I have appointed a consultation for him of three doctors. If he escape, it must be by great care and good providence that he may die of that kind of death he most deserveth." He died in the Tower on the 23rd of December, and his death is thus announced by the Lieutenant to the Earl of Salisbury:—"As I certified your lordship there was no hope of recovery

* This is the examination of the 13th November 1605, in the original of which the erasure of Lord Mounteagle's name appears. See *ante*, p. 77, note.

in Tresham, so it will please you to understand that he died this night, about two of the clock after midnight, with very great pain; for though his spirits were much spent, and his body dead, a-lay above two hours in departing. I find his friends were marvellous confident, if he had escaped this sickness, and have given out words in this place that they feared not the course of justice."* Tresham's Death.

During his last sickness in the Tower, Tresham was much disturbed by the thought that he had placed Garnet in some danger by the admission he had made respecting him; and a few days before his death he dictated to his servant Vavasour, a declaration by which he retracted, in the most solemn manner, that part of his former confession which implicated Father Garnet in the mission of Winter to the King of Spain. This paper he afterwards signed with his own hand, calling Vavasour and a female servant to witness his signature; and two or three hours only before he died, he gave it to Mrs. Tresham, charging her to "deliver it with her own hands to the Earl of Salisbury." In this paper† he says that he made the former statement respecting Garnet only "to avoid ill-usage," and then declares *upon his salvation*, that he knew nothing of Garnet's privity to the sending of Thomas Winter into Spain; and adds that he had not "seen Garnet for sixteen years before, nor never had letter nor message from His retractation of his admission respecting Garnet.

* Letter from Sir William Waad to Lord Salisbury, 23rd December, 1605, State-Paper Office.

† The original Declaration is at the State-Paper Office.

him." There is no doubt that this dying declaration was wilfully false. Father Garnet, Mrs. Anne Vaux, and many witnesses, declare that Garnet had been with Tresham continually until within a few days before the discovery of the Plot, not only at White Webbe's, at Erith, and in London, but also at his own house in Northamptonshire. Some time after her husband's death, and shortly before Garnet's trial, Mrs. Tresham sent the paper to Sir Walter Cope, inclosed in the following note:—

"Sir,—My husband, in his last sickness, commanded me to deliver this note inclosed unto my Lord of Salisbury. My sorrows are such that I am altogether unfit to come abroad, wherefore I would entreat you to deliver it yourself unto my lord that I may have my husband's desire fulfilled therein; wherein you shall much pleasure me to do it for me. So I end your friend, ANN TRESHAM."

This note, with its inclosure, being delivered to Lord Salisbury, Mrs. Tresham and Vavasour were examined, and both of them declared the facts respecting the retractation to be as above related. Sir Edward Coke thus reports the result of this examination to Lord Salisbury.

"Right Honourable,—We have examined this morning William Vavasour, formerly examined by Sir William Waad, and Mrs. Tresham herself. Vavasour hath directly retracted his confession, in that he formerly said that the note was of Mrs. Tresham's

hand-writing, but now confesseth that he wrote it *ex dictamine* of his master; and therewith agreeth Mrs. Tresham. This note is agreed by them both to be written a day before his death, and he dying on the 23rd day of December, about two o'clock in the morning, in that night he delivered the note to his wife to be delivered to your lordship; and both agree that he caused it to be written of his own motion, without the persuasion of any.

"This is the fruit of equivocation (the book * whereof was found in Tresham's desk)—to affirm manifest falsehoods upon his salvation, *in ipso articulo mortis.* It is true that no man may judge in this case, for *inter pontem et fontem*, he might find grace; but it is the most fearful example that I ever knew to be made so evident as now this is. And so I humbly take my leave, and ever remain your lordship's most bounden,

24th March, 1605. EDWARD COKE."

It is common with Roman Catholic writers to ascribe the death of Tresham to violence or poison. There is no evidence in support of this imputation; and the circumstance that his wife and servant were constantly with him in the Tower, seems to furnish a strong argument against its truth. In general it may be

* This book was afterwards the subject of much controversy. It was originally entitled, "A Treatise of Equivocation;" but in the copy found in Tresham's desk when he was first apprehended, the title was altered in Garnet's handwriting, and it was called, "A Treatise against Lying and fraudulent Dissimulation." That identical copy, with Garnet's annotations, is at present in the Bodleian Library; and from that copy the Treatise was printed and published in 1851.

remarked that although under the Plantagenets the "Towers of Julius" may have been "fed with many a foul and midnight murder," yet such tragedies were less probable under the Tudors and the Stuarts. Nor can any sufficient motive be assigned for the assassination of Tresham, as the Government, if they wished to destroy him, had abundant evidence to procure and to justify his judicial condemnation. The Jesuit historians insinuate that a sufficient reason for secretly disposing of him might be found in the unwillingness of the Government to risk, by the public trial of Tresham, the exposure of the machinery by which, through Lord Mounteagle, he revealed the Plot to the Council. But the suggestion of this machinery is merely a speculation, and is unsupported by any express evidence of the fact; and although it is not improbable that, for some reason or other which it is now perhaps impossible to detect, the precise facts respecting Tresham's connection with this Plot and its discovery were carefully wrapped in mystery by the Government, it is hardly credible that in those times statesmen would have had recourse to the murder of a prisoner in the Tower for the purpose of concealing a state secret.

CHAPTER V.

Fawkes's examinations renewed—His resolution—Probably tortured—Declares the names of the other Conspirators—Examination of prisoners taken at Holbeach—Trial of the conspirators—Their Execution—Remarks on the Trials — On the Plot generally — English Roman Catholics not in general privy to it.

Examination of the Prisoners.

THE business of the examination of the different prisoners, and the numerous persons who could throw light upon the conspiracy, was imposed in the usual manner upon certain Commissioners named by the King from the Privy Council, and was conducted by them with all the zeal and industry which the importance of the subject required. On the morning after his arrest, and also on the three following days, Fawkes was repeatedly examined, not only by the Lords Commissioners, but by the Lord Chief Justice Popham, Sir Edward Coke, and Sir William Waad, the Lieutenant of the Tower. He maintained on those examinations a perfect consistency in his account of his own acts and intentions; but artifices, promises, and threats, were unavailing to draw from him the names of his confederates. At first he endeavoured to conceal his own name and family, but a letter directed to himself being found upon his person he readily

Fawkes's Examination.

admitted * that he had assumed the name of Johnson for the purposes of concealment, and that his real name was Guido Fawkes. Being urged in one of the examinations with "the late horrible practice against the King, he answered that it was past, and he was sorry for it, for that he now perceived that God did not concur with it." He told the Lieutenant of the Tower that "since he undertook that action, he did every day pray to God he might perform that which might be for the advancement of the Catholic faith, and the saving of his own soul."† When urged that his denial of the names of his companions was useless, because by their flight they had been sufficiently discovered, "If that be so," said he, "it would be superfluous for me to declare them, seeing by that circumstance they have named themselves."‡ "This morning," says Sir William Waad, the Lieutenant of the Tower, in a letter to Salisbury, written two days only after Fawkes's apprehension, "when Johnson was ready, (who hath taken such rest this night as a man void of all trouble of mind,) I repaired unto him, and told him, if he held his resolution of mind to be so silent, he must think the resolution in the State was as constant to proceed with him with that severity which was meet in a case of that consequence; and for my own part I protested I would never give him over, until I had

* Fawkes's Examination, November 7th, 1605.—State-Paper Office.

† Letter of Waad to the Earl of Salisbury, November 7th, 1605.—Add. MSS. in the British Museum, No. 6178, p. 539.

‡ MS. Narrative in the State-Paper Office.

gotten the inward secret of his thoughts and all his complices; and therefore I wished him to prepare himself. He confessed 'he had both made a solemn vow and oath, and received the sacrament upon it to perform it, and not to disclose it, nor to discover any of his friends,' and concluded, "he knew not what torture might do, but otherwise he was resolved to keep his vow, further discourse he used of canons, and such arguments of learning, as in our judgments he appeareth to be of better understanding and discourse than before we conceived him to be."* "Notwithstanding," says Lord Salisbury, in his despatch † to Sir Charles Cornwallis, "he confesseth all things of himself, and denieth not to have some partners in this particular practice, yet could no threatening of torture draw from him any other language than this;—that he is ready to die, and rather wisheth ten thousand deaths than willingly to accuse his master or any other; until, by often reiterating examinations, we pretending to him that his master was apprehended, he hath come to plain confession that his master kept the key of the cellar while he was abroad, and had been in it since the powder was laid there, and *inclusivè* confessed him a principal actor in the same."‡

* Letter from Sir W. Waad to Lord Salisbury, November 7th, 1605.—Add. MSS. in the British Museum, No. 6178, p. 539.

† Winwood's Memorials, vol. ii. p. 170.

‡ "With whom did you leave the key of the cellar in your absence, when your master caused the billets to be laid in the cellar? He answereth, he left the key with his master."—Fawkes's Examination, November 6th, 1605.

Fawkes was probably examined under torture.

By Roman Catholic writers it is generally stated that Fawkes's admissions were procured by torture; and from the examinations of Garnet and other persons, it is clear that this was the impression at the time. In a manuscript history of the Plot, preserved in the Libraria Magliabechiana, at Florence, it is said "that he was first suspended in the air by his thumbs,* and then placed on the rack, and as he still refused to name his accomplices he was stretched naked on a heated stone." This is, however, merely fabulous. There is no doubt that, in the course of these "reiterating examinations" mentioned by Lord Salisbury, the torture, which had been clearly threatened by the Lieutenant of the Tower, was, in some shape or other, used to break his stubborn resolution. There is indeed no direct and positive evidence on this subject, excepting the well-known authority given by James to apply the rack to him;† but the extraction of confession by such means was the practice of the times. From the minutes of the Privy Council it is manifest that during the reigns of Henry VIII., and Edward VI., Mary, and Elizabeth, it was the daily course to force confessions, not only of treason, but of murder, horse-stealing, and other great felonies by torture; and there are several authentic instances of its application at this very period. Lord Bacon expressly admits that "by

* Sir Edward Hoby, in the letter to Sir Thomas Edmondes, above cited, says that "Fawkes was never on the rack, but only by his arms upright."

† See Criminal Trials, vol. i. p. 16.

the law of England it was used in the highest cases of treason for discovery, though not for evidence."* Selden, although he condemns the absence of all rule in the application of the rack in England, denies neither the existence of the practice nor its legality ;† and Dr. Abbott mentions it as the common course where it becomes necessary, to "press out confessions of crimes by torture."‡ The same writer, who was a clergyman of high reputation, and afterwards Bishop of Salisbury, even laments that Garnet was not examined upon the rack; and says, that without doubt if that had been done, the fact of his criminal privity to the plot might have been obtained from his own mouth. It would be unreasonable, therefore, to suppose that the torture was omitted to "press out a confession" in the case of Fawkes, who had avowed his own share in an attempt upon the life of the King and some hundreds of the most important men in the state, and declared that several others were principal agents in it, whose names he refused to discover. The national safety, and even the preservation of any government in the country, might depend upon obtaining this information; and therefore if the application of torture to force the statement of

* Treatise of the Pacification of the Church.

† Table Talk, cit. Trial.

‡ "Speciales delegati, viri nonnumquam honorati et nobiles, a quibus inquiruntur et examinantur omnia, qui confessiones scelerum vel interrogatis eliciunt, vel argumentis et testimoniis evincunt, vel, ubi opus est, *tormentis exprimunt*."—*Antilogia adversus Apologiam Andreæ Eudæmon-Joannis*, cap. i.

facts necessarily known to the person examined, be ever justifiable, it would be justifiable in such a case as the refusal of Fawkes to disclose his accomplices. On other points he seems at once to have unfolded all he knew; but for three days he maintained his resolution to make no disclosures, which might involve other persons than himself.

On the 8th of November, Sir William Waad writes to Lord Salisbury as follows:—

"I do think it my duty to give your lordship daily account of what temper I find this fellow, who this day is in a most stubborn and perverse humour, as dogged as if he were possessed. Yesternight I had persuaded him to set down a clear narration of all his wicked plots, from the first entering on the same to the end they pretended, with the discourses and projects that were thought upon amongst them, which he undertook to do, and craved time this night to bethink him the better. But this morning he hath changed his mind, and is so sullen and obstinate as there is no dealing with him."

Notwithstanding these unfavourable symptoms, it appears that on the same day on which the above letter was written, Fawkes performed his promise to Sir William Waad, by making a full disclosure of the conspiracy, suppressing only the names of the parties engaged in it; for there is an examination, dated the 8th of November, formally taken before all the Lords Commissioners, in which he gives a detailed narrative of the whole transaction, declaring the parti-

culars of the working at the mine, its abandonment upon hiring the cellar, the manner of bringing in the powder, his own journey into Flanders, and the projected seizure of Duke Charles and the Princess Elizabeth; but still carefully concealing all names, excepting that of Percy, whose hiring of the house and cellar had, as he well knew, already furnished sufficient proof against him. This paper, a copy of which only is to be found at the State-Paper Office, does not appear to have been signed by Fawkes.

On the next day, Sir William Waad writes the following note to Lord Salisbury:—

"My honourable good Lord,

"I have prevailed so much at the length with my prisoner, by plying him with the best persuasions I could use, as he hath faithfully promised me by narration to discover to your lordship only all the secrets of his heart, *but not to be set down in writing.* Your lordship will not mislike the exception; for when he hath confessed himself to your lordship, I will undertake he shall acknowledge it before such as you shall call, and then he will not make dainty to set his hand to it. Therefore it may please your good lordship, if any of the Lords do come with you, that at first your lordship will deal with him alone. He will conceal no name nor matter from your lordship, to whose ears he will unfold his bosom. And I know your lordship will think it the best journey you ever made upon so evil occasion. Thus in haste, I thank God my poor

labour hath advanced a service of this importance. From the Tower of London, the 9th of November, 1605.

"At the commandment of your Lordship,

"W. G. WAAD."*

Whether Lord Salisbury had an interview with the prisoner in consequence of this information, is unknown; but on the same 9th of November, Fawkes made a declaration in the presence of Sir Edward Coke, Mr. Forset, and Sir William Waad, in which he gave the names of all the sworn conspirators without reserve. There are, however, unusual circumstances connected with this declaration. It is entitled the "The Declaration of Guido Fawkes, taken the 9th day of November, and subscribed by him on the 10th day, acknowledged before the Lords Commissioners." The signature of Fawkes is imperfect, consisting only of the Christian name, written in a faint and trembling hand. These appearances on the face of the declaration, taken in connection with the fact that the King had issued his warrant for the application of torture, make it highly probable that Fawkes continued his refusal to give the names of his confederates until the argument of the rack was applied.† His reluctance to make this disclosure must have been in great measure removed by the intelligence of the fate of the con-

* The original notes from Waad to Lord Salisbury are still at the State-Paper Office.

† See a fac-simile of this signature in Criminal Trials, vol. i. p. 18.

spirators in Worcestershire, which had arrived in London that day.*

Examination of the other Conspirators.

The conspirators taken at Holbeach were conveyed to London about the 15th of November, and committed to the Tower. A course of diligent examination was immediately commenced by the Commissioners, which continued without intermission until the trial of the prisoners. Though taken with arms in their hands, many of them, when examined separately, positively denied all participation in the Powder Plot; but upon being confronted with such of their companions as had previously confessed, they at once admitted their guilt. Thus Rookwood at first, "upon his soul and conscience, and as he was a Catholic, denied that he was ever privy to the practice of the powder;" but Keyes being sent for and interrogated in his presence, he at once, in the same deposition, confessed his participation in the Plot.† In his speech upon the trial, Sir Edward Coke, in accounting for the delay in bringing the prisoners to their arraignment, says that twenty-three several days had then been spent in examination. These laborious examinations were principally directed to ascertaining the extent to which the Roman Catholic nobility and the Jesuit priests were concerned in the conspiracy. With respect to the former, no positive evidence was obtained, and no threats, promises, or torture could draw from the principal conspirators the slightest in-

* Salisbury's Letter to Cornwallis, Winwood, vol. ii. p. 170.

† Rookwood's first Declaration (without date).—State-Paper Office.

culpation of the Jesuits. On the contrary, though several of them were induced to admit minute facts and circumstances, indifferent in themselves, but leading the way to subsequent discoveries, they all strenuously denied that the priests were in any degree privy to the Plot. It was inexpedient, therefore, to bring the prisoners to trial and execution until all hope had vanished of procuring from them this important testimony. At last on the 13th of January, Thomas Bates, Catesby's servant, yielded to the means which had been employed upon the other conspirators without effect, and revealed certain facts, which, if true, were amply sufficient to involve Garnet and Greenway in the guilt of the transaction. A royal proclamation* against Garnet, Gerrard, and Greenway, was issued on the 15th of January, and on the 27th of the same month the trial of the prisoners already arrested took place.

There was, however, another reason for delaying the trial, to which the Attorney-General did not think it prudent to make any allusion. Baldwin, a Jesuit in Flanders, and Hugh Owen, a priest, had been implicated in various previous plots against the English government, and the suspicions of their acquaintance with the Powder Plot were confirmed by the statements of Fawkes and Winter. A requisition was therefore made to the Archduke in Flanders to deliver up these individuals to the English government, and also to secure the person of Sir William Stanley ; upon which

* Rymer's Fœdera, vol. xvi. p. 639.

much negotiation and correspondence passed through Sir Thomas Edmondes, the English ambassador at Brussels; and Lord Salisbury states to Sir T. Edmondes that the object was to confront them with the other conspirators, whose trials were delayed for that purpose. Eventually the Archduke, after referring to the King of Spain, refused to comply with the requisition.

Trial of the Conspirators.

On the 27th of January 1606, Robert Winter, Thomas Winter, Guy Fawkes, John Grant, Ambrose Rookwood, Robert Keyes, and Thomas Bates were tried in Westminster Hall before a Special Commission, consisting of the Earls of Nottingham, Suffolk, Worcester, Devonshire, Northampton, and Salisbury, the Lord Chief Justice of England, Sir John Popham, the Lord Chief Baron, Sir Thomas Fleming, and Sir Thomas Walmisley and Sir Peter Warburton, Justices of the Court of Common Pleas. The prisoners were brought from the Tower by water early in the morning, and remained in the court of Star-Chamber until the Lords Commissioners had taken their seats, immediately after which, they were brought into the Hall and placed on a scaffold in front of the Court. The Queen and the Prince were present privately, and it was said that the King was also in the Hall.* Seats

* Sir Edward Hoby's Letter to Sir Thomas Edmondes. Although these proceedings and the trial of Garnet naturally attracted much curiosity, not only in England but throughout Europe, no detailed report of either of them was ever published, until an attempt was made to complete the account of them by publishing the original evidence, as far as it could be ascertained, in the second volume of the Criminal Trials. The "True and Perfect Relation," printed by

were provided for the members of both Houses of Parliament, and the eager curiosity of persons of all ranks to witness a spectacle of no common interest, naturally drew together an audience of no common magnitude.*

All the prisoners pleaded not guilty, which excited some surprise, as each of them had previously confessed the principal facts charged in the indictment. Fawkes in particular was asked by the Lord Chief Justice, how he could deny the truth of the accusation, as he had been taken in the cellar with the powder and combustibles, and in all his examinations had readily avowed his purpose of blowing up the Houses of Parliament, although he at first refused to name his accomplices. Fawkes replied that neither he nor

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the King's printer, and carefully circulated by authority soon after the trials occurred, is neither "true" nor "perfect." It contains merely a tiresome account of the long and vituperative speeches of Sir Edward Coke and the Earl of Northampton, and only refers in general terms to the evidence produced and read on the occasion. Even the dull and tedious speeches are not reports of what was actually said; for there are anachronisms observable in them which obviously point to a date for their composition later than that of the trials. In fact, this "Relation," like the other tracts printed with it, was published, not for the purpose of conveying accurate information, but of suppressing and colouring the truth, and of circulating such a version of the story as suited the objects of the Government.

* In the Journals of the House of Commons there is an entry, that, on January 28th, 1605-6, the day after the trial, "Mr. Lewkenor complained to the House that those of the Parliament House were so pressed that they could not hear what was said at the arraignment, and the place appointed for the House pestered with others not of the House;" upon which complaint the House appointed a committee to examine where the fault was.

any of his companions meant to deny that which had been voluntarily confessed by them, and which their conduct had rendered notorious throughout the realm. "But this indictment," added he, "contains many other matters, which are not true, and which we ought not to countenance by our assent or silence. It is true that all of us were actors in this plot of powder, but it is not true that the holy fathers were privy to it as mentioned in the charge. We never opened the matter to them."*

The Attorney-General, Sir Edward Coke, then made a long and laboured harangue,† dilating, in his

* Eudæmon-Joannes, Apologia pro Henrico Garneto, p. 200.

† The following curious note from the Earl of Salisbury to Sir Edward Coke, containing directions for his speech on this occasion, is taken from the original draft in Lord Salisbury's handwriting at the State-Paper Office :—

"These things I am commanded to renew unto your memory. First, that you be sure to make it appear to the world that there was an employment of some persons to Spain for a practice of invasion, as soon as the Queen's breath was out of her body. The reason is this for which the King doth urge it. He saith some men there are that will give out, and do, that only despair of the King's courses on the Catholics, and his severity, draw all these to such works of discontentment; where by you it will appear, that before his Majesty's face was ever seen, or that he had done anything in government, the King of Spain was moved, though he refused it, saying, 'He rather expected to have peace,' &c. Next, you must, in any case, when you speak of the letter which was the first ground of discovery, absolutely disclaim that any of these wrote it, though you leave the further judgment indefinite who else it should be. Lastly, and that you must not omit, you must deliver, in commendation of my Lord Mounteagle, words to show how sincerely he dealt, and how fortunately it proved that he was the instrument of so great a blessing as this was. To be short, sir, you can remember how well the King, in his Book, did censure his lordship's part in it; from which sense you are not to vary, but *obiter* (as

peculiar phraseology, upon the enormity of this treason, which he characterized as not only prodigious and unnatural in itself, but most monstrous in its conception and birth as arising out of the dead ashes of former treasons. He then related at length the previous treasonable conspiracies to which several of the prisoners had been parties, declaring all of them to have been "planted and watered" by the Jesuits and English Roman Catholics. He justified the policy of the laws passed against the Roman Catholics in Queen Elizabeth's time, and contrasted the execution of those laws with the severe proceedings against Protestants under Mary. Upon this subject he stated that "whereas in the five years of Queen Mary, there were cruelly put to death about three hundred persons for religion, in Queen Elizabeth's time, by the space of forty-four years and upwards, there were for treasonable practices, executed in all not thirty priests, and not above five receivers and harbourers of them; and for religion not any one." He praised the lenity of James in having for sixteen months after his accession remitted all recusancy fines, suspended all prosecutions for religion, and bestowed advancement indiscriminately upon

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you know best how), to give some good echo of that particular action in that day of public trial of these men; because it is so lewdly given out that he was once of this plot of powder, and afterwards betrayed it all to me.

"This is but *ex abundanti* that I do trouble you; but as they come to my head or knowledge, or that I am directed, I am not scrupulous to send to you.

"You must remember to lay Owen as foul in this as you can."

Roman Catholics and Protestants, until driven to abandon this indulgent course by the discovery of the treasons of the priests Watson and Clarke. All these treasons in the first year of King James's reign he described as "joined together in their tails like Samson's foxes, although their heads were severed."

After the speech of the Attorney General, the confessions of the several prisoners, taken before the Lords Commissioners, were openly read; and the Lord Chief Justice having made some remarks to the jury, a verdict was returned finding all the prisoners guilty.

Sir Everard Digby's Trial.

Sir Everard Digby was separately arraigned upon an indictment taken in Northamptonshire, the overt acts of his connection with the treason consisting of his conferences with Catesby and his taking the oath of secrecy in that county. He pleaded guilty to the charge, stating that "he had been led into this conspiracy, not by any personal or ambitious views, but by his love and friendship to Catesby, for whose sake he had been ever ready to give up his life and all that he possessed. But his chief motive was his desire to restore the Roman Catholic religion, and his expectation that still harsher laws would be enacted for its suppression in the present parliament. Considering, therefore, that his religion was at stake he had not hesitated to sacrifice his estate, his name, his family and all earthly felicity whatever in the attempt to preserve it. He did not justify what he had done, but confessed that he deserved the severest punishment and the vilest death; but he implored that his punishment might fall upon

himself alone, and not be transferred to his wife, his children or any of his relations, or his creditors. He prayed the King, the Lords, and all men to forgive him, and to accept his death as a sufficient expiation of his crime. Finally, he intreated the King that he would be pleased to order that he might be beheaded, instead of being executed in the ordinary mode."

Sir Edward Coke vindicated the penal laws which had been made, as well as those which were projected, on the ground of their necessity for the protection of the state from the treasonable attempts of discontented religionists. With respect to Digby's petition for his estate, his wife and children, "it came," he said, "with an ill grace from one who had designed the King, the Queen, the Princes, the nobles, and the whole kingdom to a swift and sudden destruction. He must have abandoned all nature, all humanity, all respect of laws, both divine and human, when he made no conscience to extirpate the whole nation under the cover of zeal for the Catholic religion. As therefore he had been content to despise the ruin of himself, his estate, his wife, his children for the Catholic cause, he should have his desire as it is expressed in the Psalm:* "Let his children be fatherless, his wife a widow; let the children be continually vagabonds and beg; let there be none to extend mercy unto him, neither let there be any to favour his fatherless children; let his posterity be cut off, and in the generation following let their name be blotted out." With respect to his petition for

* Psalm cix.

honour in the manner of his execution, he must not look for favour, who had so far abandoned religion and humanity in his action; on the contrary, he had reason to admire the great moderation and mercy of the King in that for so exorbitant a crime, no new torture answerable thereto, was devised to be inflicted upon him."*

At the conclusion of the Attorney General's speech, the Earl of Northampton made a long address to Sir Everard Digby, in justification of the proceedings against the Roman Catholics in the time of the late Queen, and also since the King's accession. The Earl of Northampton was a Roman Catholic, and the attention paid to him by James on his accession, by giving him, first a place in the Privy Council, and then the Wardenship of the Cinque Ports, and an earldom, occasioned much jealousy among the Protestant party. To obviate suspicions and to exempt him from the general stigma which attached to all Roman Catholics in consequence of the Plot, Northampton was industriously put forward on this trial and on that of Garnet; on both of which occasions very long and laboured harangues are attributed to him in praise of the conduct of the government, and in reprobation of the Plot. The Earl of Salisbury also addressed Sir Everard Digby, denying the imputations made upon the King's consistency in the course which he had taken respecting

* In a letter from Sir Edward Hoby to Sir Thomas Edmondes, dated February 10th, 1605-6, the former says, "There were some motions made in Parliament about a more sharp death for the gunpowder conspirators." This circumstance is also mentioned in the Journals.

religion since his accession. He declared that James had never given the least hope, much less promise, of toleration for the Roman Catholics. He also extolled the wise and loyal conduct of Lord Mounteagle in delivering the letter so speedily to him; "wherein," he said, "he had displayed both his discretion and his fidelity."

When the Earl of Salisbury had ended, Serjeant Philips prayed the judgment of the Court upon the seven prisoners who had been found guilty by the jury, and upon Sir Everard Digby, who had confessed the indictment; and the Lord Chief Justice Popham pronounced judgment of High Treason upon all of them.

Execution of the Conspirators.

The prisoners, after their condemnation and judgment, being sent back to the Tower, remained there till the Thursday following, on which day four of them, viz. Sir Edward Digby, Robert Winter, John Grant, and Thomas Bates, were drawn upon sledges and hurdles to a scaffold erected at the western end of St. Paul's churchyard, where they were executed in pursuance of their sentence. Great pains were taken in the city to render the spectacle of the execution as imposing as possible. Among other arrangements made in order to be prepared against any popular tumult, a precept issued from the Lord Mayor to the Alderman of each ward in the city, requiring him to "cause one able and sufficient person, with a halberd in his hand, to stand at the door of every several dwelling-house in the open street in the way that the traitors were to be drawn towards the place of execu-

tion; there to remain from seven in the morning until the return of the Sheriff."*

Sir Everard Digby was executed first. "He was," says a contemporary account, "a man of goodly personage, and a manly aspect; yet might a wary eye, in the change of his countenance, behold an inward fear of death, for his colour grew pale and his eye heavy; nevertheless, he spoke with courage and distinctness. "His conscience had led him," he said, "into this action, which, in respect of his religion, he held no offence, but, in respect of the law, he confessed to be an offence, for which he asked forgiveness of God, of the King, and the whole kingdom." And so crossing himself, and refusing to join in the prayers of any clergymen except those of the Roman Catholics, submitted himself to the executioner.

After him Robert Winter, Grant, and Bates, were executed in like manner.

The next day, Thomas Winter, Ambrose Rookwood, Robert Keyes, and Guido Fawkes were drawn from the Tower to the old palace in Westminster, opposite to the Parliament House. Winter being the first brought to the scaffold said little, but protested that he died a true Catholic.

Next him came Rookwood, who made a speech of greater length, confessing his offence to God in seeking to shed blood, and asking therefore mercy of the Divine Majesty;—his offence to the King, of whose majesty he likewise humbly asked forgiveness, and his

* Repertories in the Town-Clerk's Office.

offence to the whole State, of whom in general he asked forgiveness. He besought God to bless the King, the Queen, and all his royal progeny, and that they might be restored to the true Catholic church, and long live to reign in peace and happiness over this kingdom. And so beseeching the King to be good to his wife and children, and protesting that he died a Roman Catholic, he went up the ladder.

After him came Keyes, and last of all Fawkes, whose body being weak with torture and sickness, he was scarce able to go up the ladder. He made no long speech, but seeming to be sorry for his offence, asked forgiveness of the King and the State for his bloody intent.

Remarks on the Trials, and on the Conspiracy generally.

In a legal point of view, the only observations which suggest themselves respecting the trials of the chief conspirators are such as are common to all the state prosecutions of the time. The evidence appears to have consisted entirely of the written declarations of the several prisoners, and of a servant of Sir Everard Digby, and it is evident, from the report of the proceedings in the State Trials, that no witness was orally examined. Of the guilt of the accused there could not be the shadow of a doubt; indeed all of them had fully and circumstantially confessed their guilt before the trials, and though all, excepting Sir Everard Digby, pleaded not guilty, no attempt was made by any of them to deny a full participation in the Plot. Nor can it be doubted that their offence amounted to high treason. The design of blowing up the Parliament

House, when the King and Prince were there, was compassing and imagining the death of the King and the heir-apparent to the crown, within the literal meaning of the statute of treasons; while the conduct of the conspirators who assembled in Warwickshire, after the apprehension of Fawkes, and rode armed through the country in warlike array, in defiance of the established government, and exciting others to insurrection, was nothing short of open rebellion, and clearly constituted a "levying of war against the King in his realm," within the words of another clause of the same statute. In legal consideration, therefore, the justice of their conviction and sentence is too plain for discussion; and in a moral point of view, the most scrupulous objector to capital punishments will hardly consider the loss of life as too severe a retribution for an offence of such unexampled barbarity. Mere political discontent would be insufficient to account for the formation and deliberate execution of such a project. The depressed condition of the Roman Catholics,—resentment of the wrongs they had suffered,—the dread of further persecution, and, above all, perhaps, indignation at the faithless conduct of the King, were motives sufficient to lead men to resistance and insurrection; but a contrivance so inhuman as the Gunpowder Plot can only be ascribed to the baneful influence of fanaticism; and it may be doubted whether there is any other engine by which the natural feelings of the human heart could be so far distorted and deadened, as to contemplate the indiscriminate slaughter of several hundreds of persons,

not in an open act of war, but by deliberate and insidious assassination, as a laudable and pious undertaking.

Peculiar character of the Conspirators.

One of the most singular features of the history of this conspiracy was the character and quality of the persons engaged in it. Dissolute and needy adventurers have been, at all times, the ready instruments in any scheme calculated to raise a storm on the surface of society, and produce confusion and uproar. Such characters may possibly gain by disturbance and revolution, and have, at all events, nothing to lose. Thus Catiline, at Rome, registered in his desperate band all the ruined spendthrifts,—the disgraced, the idle, and the hopeless prodigals, who wander up and down a populous city, prepared alike for plunder or for outrage, as the opportunity presents itself. "*Semper in civitate*," says Sallust, "*quibus opes nullæ sunt, vetera odêre, nova exoptant; odio suarum rerum mutari omnia student; turbâ atque seditionibus sine curâ aluntur, quoniam egestas facilè habetur sine damno.* But in the case of the Gunpowder Treason, many of the conspirators, such as Robert Winter, Rookwood, Digby, Tresham, and Grant, were men of large possessions; others again, such as Percy, Fawkes, and Keyes, were engaged in useful and honourable occupations which raised them far above the temptation of want. The Attorney-General, in his speech on their trial, describes them as "gentlemen of good houses, of excellent parts, and of very competent fortunes and estates." Not one of them but Catesby was in pecuniary difficulty, and his

poverty would have ended at his mother's death, when the estates of his ancestors would have descended to him in possession.

In another respect, also, we find in this conspiracy men not usually acting in the ranks of insurrection;—men of mild and amiable manners, refined by a liberal education, averse to tumults and bloodshed, and dwelling quietly amidst the humanities of domestic life. Of Rookwood, Father Greenway says, "I knew him well, and loved him tenderly. He was beloved by all who knew him. He left behind him his lady, who was a very beautiful person and of a high family, and two or three little children, all of whom, together with everything he had in this world, he cast aside to follow the fortunes of this rash and desperate conspiracy."* Of Sir Everard Digby's attachment to his domestic circle, his remarkable letter to his children from the Tower, dated only a few days before his trial, is a sufficient memorial.†

It must have been a much more powerful motive than any of those that usually influence the actions of mankind, which could induce such persons to do violence to their nature and their usual habits, and produce the strange delusion that, in committing a barbarous murder—"in murdering," as it has been termed, "a kingdom in its representatives,"‡—they were performing an action by which they secured to

* Greenway's MS.

† See letters appended to the "Gunpowder Treason," published in 1679.

‡ Bishop of Lincoln's Letter, p. 137.

themselves the approbation of Heaven. And it is quite clear that notwithstanding the occasional misgivings suggested by conscience to the minds of the conspirators, they were really actuated by a mistaken sense of duty, and that many of them spoke exultingly of the attempt, and maintained to the last a conviction that their project was not only justifiable, but in the highest degree meritorious in the sight of God. "Nothing grieves me," says Robert Winter to Fawkes in the Tower, "but that there is not an apology made by some to justify our doings in this business; but our deaths will be a sufficient justification of it, and it is for God's cause;"* and in the same conversation he expresses his regret that "the business having been brought within a day or two of its execution should be so unhappily thwarted." "If we had had good luck," said Christopher Wright, on the march of the fugitives through the midland counties, "we had made those in the Parliament House fly with their heels upwards to the sky."† Casaubon mentions the following fact respecting another of the conspirators. "John Grant," says he,‡ "one of the traitors, on the very day of his execution for his share in this plot, was entreated, by a pious and learned clergyman, to entertain, at the last, a proper sense of his situation, and duly reflecting upon the magnitude of his crime, with hearty penitence to seek for pardon

* See Criminal Trials, vol. ii. p. 167, note.

† William Handy's Examination, November 27th, 1605.

‡ Epistle to Fronto Ducæus, p. 91.

from Heaven. Grant replied, with a cheerful countenance, and full of confidence, 'I am convinced that our project was so far from being sinful, that I rely entirely upon my merits in bearing a part of that noble action, as an abundant satisfaction and expiation for all sins committed by me during the rest of my life.'"

There is abundant evidence that Sir Everard Digby joined in the enterprise under the full persuasion that in so doing he was rendering good service to his church and promoting the cause of true religion. Seventy years after his death certain papers were found by the executors of his son, Sir Kenelm Digby, among his deeds and writings carefully laid together in a bag; and these papers upon examination proved to be original letters and poems of Sir Everard Digby, written in the Tower, and sent furtively from thence to certain members of his family. These curious and interesting papers were first published in 1679 as an appendix to the Bishop of Lincoln's republication of the "Account of the Gunpowder Plot."* In one of the letters to his wife, Sir Everard Digby expresses grief and surprise that his conduct in engaging in the Plot had been disapproved by some members of the Roman Catholic Church. "If," says he, "I had thought there had been the least sin in it, I would not have been of it for all the world, and no other cause drew me to hazard my fortune and life but zeal to God's religion. But when I heard that Catholics

* See Burnet's account of them, History of his own Times, vol. i. p. 11.

and priests thought that it should be a great sin that should be the cause of my end, it called my conscience in doubt of my very best actions and intentions. I protest unto you that the doubts I had of my own good state, which only proceeded from the censure of others, caused more bitterness of grief in me than all the miseries that ever I endured; and I could do nothing but with tears ask pardon at God's hands for all my errors, both in actions and intentions in this business."

An anecdote is related of Ambrose Rookwood by Father Greenway, which likewise indicates a persuasion among the conspirators and their immediate connexions, that what they had undertaken was justifiable in the sight of God. He says that "the procession to the place of execution in Palace Yard passed by a house in the Strand, in which Rookwood's wife lodged. She had placed herself at an open window; and Rookwood, raising himself as well as he could from the hurdle on which he was drawn, called upon his wife to "pray for him." She replied in a clear and strong voice, "I will! I will! and do you offer yourself with a good heart to God and your Creator! I yield you to Him with as full an assurance that you will be accepted of Him as when He gave you to me!"*

Roman Catholics generally not privy to the Plot.

Although a diligent and rigorous examination was directed to this object, there is no evidence to show that many English Catholics, besides the actual and ascertained conspirators, were acquainted with the Plot.

* Greenway's MS., p. 136.

The general policy of Catesby and his companions was to admit no more into the confederacy than were necessary to carry the immediate objects of it into execution, rightly judging, that in proportion to the numbers of the accomplices, would be the chances of discovery, either by treachery or carelessness. After its failure, the Roman Catholics of the first importance in the country generally declared their disapprobation of it; and it is worthy of remark, that Sir Everard Digby, in the posthumous letters above alluded to, pathetically expresses his grief that the cause for which he had sacrificed so much, and which brought him to his death, was disapproved by priests and laymen of his own communion, and was even condemned by them as a great sin.*

In estimating the probable extent to which this Plot was known and encouraged by the English Roman Catholics, it ought to be remembered that all the avowed conspirators belonged to the Jesuits' faction, between whom and those attached to the secular priests a most determined hostility prevailed. De Beaumont repeatedly mentions this schism in the Roman Catholic party; and it is evident from the letters and examinations of the secular priests, Watson and Clarke, respecting the Plot of 1603, that they were most anxious at that time to fix the suspicion of a dangerous design against the state upon "Jesuits and jesuited persons."†

* "History of the Manner of the Discovery of the Gunpowder Plot," edit. 1679, p. 170.

† See Criminal Trials, vol. i. p. 423.

It is, therefore, in the highest degree improbable that any of the Roman Catholics of the secular party, whether priests or laymen, were accomplices in the Gunpowder Treason.

It is perhaps scarcely necessary to notice the strange suggestion first made some years after the transaction, and readily adopted by some Roman Catholic writers, namely, that the Gunpowder Plot was an artifice of Lord Salisbury's, who had engaged some desperate men in the conspiracy, which he managed in such a manner that he could discover it when he pleased. Mr. Butler, in his Memoirs of the English Catholics, admits that this suggestion is wholly without foundation in fact. That the Government were aware of the plot before the arrival of the letter to Lord Mounteagle, and that the King and the House of Lords would have been perfectly safe if that letter had never been written, is by no means improbable; and the letter itself may have been a contrivance, or, as Osborn calls it, a "neat device" of the Secretary to conceal the real mode of the discovery.* But that Lord Salisbury, or the Government, concocted the whole scheme for political purposes, is incredible in itself, is wholly unsupported by evidence, and is negatived by all the ascertained facts of the transaction.

* Osborn's Memoirs of King James, chap. 13.

CHAPTER VI.

Foreign powers not parties to the Plot—The Earl of Northumberland committed to the Tower—Prosecuted in the Star-Chamber—Unjust sentence — Proceedings against the Lords Montague, Mordaunt, and Stourton — Suspicions of the Jesuit priests—Bates's statements respecting Greenway and Garnet—Proclamation against the Jesuits—Proposed Bill of Attainder—Escape of Gerard and Greenway—Account of Garnet—His connexion with Anne Vaux—Pilgrimage to St. Winifred's Well—Garnet's Journey to Coughton—His removal to Hendlip—Description of Hendlip Hall—Investment and search of the house—Humphrey Littleton's disclosure respecting Hall — Garnet and Hall discovered and apprehended — Garnet's personal narrative — His examination—Suicide of Owen—Conferences between Garnet and Hall in the Tower—Garnet's admissions—Execution of Hall.—Papal Breves sent to Garnet—Mr. Abington convicted and pardoned.

As soon as the immediate agents in this conspiracy were ascertained and secured, it became an object of paramount importance to the Government to obtain available evidence against those whom they supposed to be the secret contrivers and promoters of it.

No foreign powers privy to the Plot.

There seemed to be no suspicion, and indeed no reason to suspect that any foreign powers had either instigated or encouraged the conspirators, or were

privy to the design. The King of Spain, who had favoured former attempts, had just concluded a peace with England, which he considered advantageous to himself, and had therefore, at that period, no interest in promoting an insurrection among the English Roman Catholics. Henry IV. of France was far too wise and enlightened a prince to have encouraged so unpromising a project, though the departure of De Beaumont, his ambassador, a few days only before the 5th of November, gave occasion to some whispers of suspicion.* That the Pope knew nothing of the project is probable from the fact that Sir Edmund Baynham was despatched by the conspirators to Rome, for the purpose of being with his Holiness at the time of the explosion, and of giving him a plausible account of their motives and plans. Father Baldwin and Hugh Owen were the only two persons abroad whom the conspirators had particularly inculpated by their examinations. A strenuous application was therefore made by the English Government to the Archduke that they should be delivered up to justice. The persons of both were secured at Brussels, but the Archduke hesitated to give them up to the English Ambassador without the authority of the King of Spain. After much delay on the part of the Archduke, and much urgency and some threats on the part of Lord Salisbury, the Spanish Government declined

* See Sir Edward Hoby's Letter to Sir Thomas Edmondes, November, 1605.

to give up Baldwin and Owen, as they had become domiciled, though not naturalized, in Flanders.*

Suspicion also rested upon several peers, who from their connexion with the declared conspirators, their absence from the Parliament and other circumstances, were supposed to have had intelligence of the Plot. Of these suspected persons the most important was Henry, Earl of Northumberland. He was related to Percy the conspirator, although the precise manner of his relationship is unknown; he had admitted him to the office of gentleman-pensioner, and had intrusted him with the stewardship of his estates in the North. These facts were quite sufficient to direct attention to Northumberland, and their effect was strengthened by the knowledge that Percy had dined at Sion the day before the fatal 5th of November, and that Fawkes had come to him there to apprise him of the Lord Chamberlain's visit to the cellar. Under these circumstances, it was a reasonable precaution "to restrict the Earl in the first instance to his own house and afterwards to commit him to the Archbishop of Canterbury, there to be honourably used, until things should be more quiet."† And as the extent of the conspiracy developed itself by the examinations of Fawkes and Thomas Winter, and it appeared that Percy had

Proceedings against the Earl of Northumberland.

* A sensible opinion of a Flemish civilian against the propriety of giving up Owen, which was probably sent by the Archduke to Lord Salisbury, is among the documents at the State-Paper Office.

† Letter of Lord Salisbury to Sir Charles Cornwallis. Winwood's Memorials, vol. ii. p. 172.

expressly stipulated that the Earl should have warning to absent himself from the Parliament, it was not unreasonable that he should be further committed for safe custody to the Tower. Lord Salisbury disclaims all hostility to the Earl on the part of the Council in the adoption of these measures against him. "Assure yourself," he says to Sir Thomas Edmondes,* "that such is the justice of this time, as if no more appear than this, which may well deserve as much as is done, there shall be no such rules of rigorous policy practised upon a nobleman of his blood and quality, as not to set him free again without touch of his estate; assuring you, for mine own part, that although it is not improbable that Percy gave him some general warning, according to his resolution with his confederates, and that there is no direct proof whether the Earl would have been present at the Parliament or not, because the hour was prevented of the execution, wherein it may be said he might in discretion have forborne to offer any show of absence till the very instant; yet I believe that Percy never durst acquaint a nobleman of his birth, alliance, and disposition with so unnatural and savage a plot as that, wherein so many, whom himself loved, must have perished. Only this is the misfortune, that Catesby and Percy being dead, his innocency or his guiltiness must both depend upon circumstances of other persons and time."

But either Lord Salisbury was insincere in these assurances of an intention to release Northumberland if

* Birch's Negotiations, p. 245.

nothing further appeared against him, or evidence must have been laid before the Council which was concealed from the public eye at the time, and which does not exist at the present day. Among the State Papers there is nothing which tends to show that he had any previous knowledge of the Plot; and indeed although he did not regain his liberty for fifteen years, a criminal implication in the design of the conspirators was never formally imputed to him. In the month of June, 1606, he was charged in the Star Chamber with misprision. As the proceedings were *ore tenus*, there is no judicial record of the particular charges; but the following are stated by contemporary writers to have been the accusations preferred against him. First, That he endeavoured to become the head of the Papists and to procure them toleration; 2nd, That with full knowledge that Percy was a recusant, he had admitted him as a gentleman-pensioner without administering to him the oath of supremacy; 3rd, That with full knowledge of Percy's guilt, and while he was himself under restraint on suspicion, he had written letters to his friends and servants in the North for the purpose of securing his own money from Percy's hands, without authorising them to arrest Percy as a traitor; 4th, That he had sent letters, while under restraint, without leave of the King; 5th, That though a Privy Councillor, and sworn to preserve the King and the State, he had taken more care of his own treasure than of the King or State, without any endeavour to apprehend Percy; 6th, That he sent letters into the

western counties, whither Percy had fled, the effect of which was to give him intelligence and direction for his farther flight and escape. For these offences he was adjudged to pay a fine of 30,000*l.*, to forfeit all the offices he held under the Crown, and to be imprisoned in the Tower for life.* Supposing these articles of accusation against Northumberland to be accurately reported, as above stated, it would be difficult to find in the history of English judicature a punishment more flagrantly disproportionate to the offence charged. Hudson indeed, in his Treatise on the Star Chamber, intimates his opinion that the proceedings in this case were wholly irregular. According to the practice of the Star Chamber the proceeding *ore tenus* could only be resorted to in cases where the defendant confessed the charge. Where the defendant denied the charge imputed to him the proceedings must have been by information and answer in writing and formal depositions of witnesses. This was the tedious process which Lord Bacon refers to when he says "the Star Chamber, without confession, is long seas."† "By what rule, therefore," says Hudson,‡ "that sentence was against the Earl of Northumberland, I know not; for it was *ore tenus*, and yet not upon confession." Possibly, however, there may have been no technical irregularity. The

* Stow's Chronicle, p. 884.

† Lord Verulam's Letter to the Marquis of Buckingham about Peacham's Case, last of July, 1619. Bacon's Works, vol. iii. p. 372. 4to edition.

‡ Collectanea Juridica, vol. ii. p. 63.

facts charged in the above articles were literally true, and it is not improbable that the Earl may have confessed them, although he constantly denied any participation in the Plot. If so, the proceedings in the Star Chamber would have been regular in point of form, but most irregular and unjust in effect; inasmuch as the Earl would have been charged with one offence which he had confessed, and sentenced for another which he had denied, and of which no proof was given.

Under this unjust sentence he remained in the Tower until 1621, although his fine, which had been reduced to 11,000*l.* by a composition in the Star Chamber, in conformity with an usual practice, had been paid in 1614. While in the Tower he devoted himself to astrology, and to scientific pursuits, and many men of learning became his frequent and familiar visitors.

Lords Montague, Mordaunt, and Stourton sent to the Tower.

Three other lords, Montague, Mordaunt, and Stourton, were also sent to the Tower upon the first discovery of the Plot. All of them were intimate friends and associates of the principal conspirators; the names of all of them had been mentioned by Fawkes and others in their examinations, as persons who were to receive an intelligible warning to absent themselves from the first meeting of the Parliament, and there is no doubt that all of them were in fact absent. The examinations of Lord Mordaunt and Lord Stourton before the Lords of the Council are extant at the State-Paper Office, and the insufficient reasons they allege for their absence produce a strong impression that the real

reason was one which they did not choose to avow. Lord Stourton had married Tresham's sister, and Lord Mordaunt was also nearly connected with him. Under these suspicious circumstances, they were sent to the Tower and afterwards fined in the Star Chamber for a misprision and contempt in not obeying the King's summons to Parliament. Lord Montague compounded for a fine of 4000*l.* and Lord Stourton for 1000*l.*; Lord Mordaunt's fine was wholly remitted and he was set at liberty.*

Suspicions of the Jesuit Priests.

The suspicions of the Government, however, principally attached to Garnet, the provincial of the Jesuits in England, and the Jesuits Greenway and Gerard, all of whom were known to have participated in former treasonable practices. It was indeed not unreasonable to conclude that a plot, exclusively devised by Roman Catholics for the promotion of the Roman Catholic religion, and from its enormous wickedness so startling to the consciences of all men in whose minds every spark of humanity had not been extinguished, must have been declared by some of the conspirators to their spiritual advisers, either in confession or for the purpose of resolving doubts and scruples. Many laborious days were therefore employed by the Commissioners, assisted by the acuteness and skill of Popham, Coke, and Bacon, in the diligent examination of the various prisoners, and the endeavour to draw forth from their concealment the supposed directors of this machinery of treason.

In general, the principal conspirators strenuously

* Collins's Peerage, vol. iv. p. 152.

denied that the Jesuit priests were aware of the Plot. They did not scruple to admit that both Garnet and Greenway were acquainted with the treasonable correspondence with the King of Spain in the last year before Queen Elizabeth's death, because they knew that the general pardon upon James's accession would protect the priests from the consequences of treasons committed in a former reign. And several of the conspirators admitted that after the failure of the scheme they had confessed their particular actions in this treason to their spiritual advisers, and had received absolution for them among their general sins. But no threats, promises, or torture could prevail upon the conspirators to admit that any knowledge of the Gunpowder Plot before its discovery had been communicated to the priests. Thus Fawkes, in his examination of the 9th of November, which was probably taken upon the rack, admits, that after taking the oath of secrecy, the five original conspirators received the sacrament from Father Gerard, in confirmation of their vow; but he carefully adds that "Gerard was not acquainted with their purpose." So also Thomas Winter says,* that "they took the sacrament, for confirmation of their oath of secrecy, by the hands of Gerard; but that he was not present when they took the oath, being in an upper chamber in the same house;" and adds, that "Gerard knew not of the project of the powder to his knowledge." "As yet," says Sir Everard Digby, in

* Examination, November 9th, 1605.—State-Paper Office.

one of his letters from the Tower,* "they have not got of me the affirming that I know any priest particularly, nor shall ever do to the hurt of any but myself. Mr. Attorney and my Lord Chief Justice asked me if I had taken the sacrament to keep secret the Plot as others did? I said that I had not, because I would avoid the question of at whose hands it were. I have before all the lords cleared all the priests in it for anything that I know."

Bates's statements respecting Garnet and Greenway.

The first direct evidence obtained against any of the Jesuits was furnished by Catesby's servant, Bates, who, on the 4th of December, stated that, after having taken the oath of secrecy from the hands of Catesby and Thomas Winter, "they told him that he must receive the sacrament for more assurance; that thereupon he confessed to Greenway, and told him that he was to conceal a very dangerous piece of work that his master and Thomas Winter had imparted to him; and being fearful of it, asked the counsel of Greenway, telling him their particular intent and purpose of blowing up the Parliament House; that Greenway thereto said, that he would take no notice thereof, but that Bates should be secret in that which his master had imparted to him, because it was for a good cause, and that he should tell no other priest of it; saying moreover, that it was not dangerous to him, nor any offence to conceal it; and thereupon Greenway gave him absolution, and he received the sacrament in

* See Digby's Letters appended to the Bishop of Lincoln's edition of the 'Discovery of the Gunpowder Plot,' p. 241.

company of his master and Thomas Winter."* Greenway, in his Narrative, solemnly denies the truth of this statement, and declares, upon his salvation, that Bates never spoke one word to him on the subject, either in or out of confession; and his denial, to a certain extent, is corroborated by Garnet, who, in an examination of the 12th of March, 1605-6, says that "Greenway did not tell him that Bates had acquainted him with the Plot, or that Bates knew of it." Bates's statement, however, was undoubtedly sufficient to fix Greenway with an antecedent knowledge and approbation of the Plot; but still no evidence could be obtained against either Garnet or Gerard. At length, on the 13th of January, nearly six weeks after his former statement, Bates was brought to make a declaration by which Garnet also was supposed to be fully and clearly inculpated. He stated that "after the discovery of the cellar and the flight of the conspirators from London, when Catesby and his companions were at Grant's house, at Norbrook, on their way to Huddington, his master sent him to Coughton with a letter from Sir Everard Digby to Garnet to ask his advice what course they were now to take in their proceedings; that he accordingly delivered the letter, and that, while Garnet was reading it, Greenway came in, and asked what was the matter; that upon this Garnet read the letter to him aloud, in the hearing of Bates, and told Greenway that "they would have blown up the Parliament House, and were discovered, and we

* Examination of Thomas Bates, Dec. 4th, 1605.— State-Paper Office.

all utterly undone." Greenway then said that "there was no tarrying for himself and Garnet." Bates entreated Greenway to come to his master, "if ever he would do anything for him;" to which Greenway answered, that "he would not forbear to go unto him, though it were to suffer a thousand deaths, but that it would overthrow the state of the whole society of the Jesuits' order." Bates further stated that Garnet and Greenway conferred together for about half an hour, while he walked in the hall; after which Greenway came out and accompanied him to Huddington, where he talked for some time privately with Catesby, and then rode away to Mr. Abington's, in Worcestershire, for the purpose of persuading that gentleman to join the insurgents.*

With respect to this second statement of Bates, the reader will not fail to observe that it is consistent with the notion that Garnet was ignorant of the Plot until the delivery of Digby's letter; and indeed it can hardly be doubted that this is the impression which Bates meant to convey. That this notion was false is demonstrated by the subsequent statements of Garnet himself, who acknowledged his acquaintance with the Plot at a much earlier period, though both he and Greenway justified their concealment of it on the ground that their knowledge was obtained under the seal of confession. On account of some obvious improbabilities in the story, Bates's account of the conversation between

* Thomas Bates's Examination, January 13th, 1605-6; Hall's Confession, March 6th, 1605-6.

Garnet and Greenway cannot perhaps be confidently relied upon. There was, however, no doubt, from the concurring testimony of many persons, independently of that of Bates, that Greenway, after a consultation with Garnet, and with a full knowledge by both of what had happened in London, joined the conspirators at Huddington while they were in arms against the Government. This, therefore, was, at all events, evidence of misprision of treason against Garnet and Greenway, and justified the Government in issuing a proclamation for their apprehension. Gerard was also included in this proclamation; but at this period no direct evidence appears to have existed of his implication in the Plot.

The proclamation against the Jesuits was issued on the 15th of January, two days after Bates's second declaration. It was declared in the proclamation, that if "any person should presume to be a harbourer, maintainer, or concealer of any of these three persons, or should not do his best for their discovery and apprehension, the King was resolved to suffer the laws of the realm to be most severely executed upon them, as upon those whom he esteemed to be no less pernicious to his person, state, and commonwealth, than those that had been actors and counsellors of the main treason itself." *

Bill of Attainder.

Soon after the issuing of this proclamation a sweeping bill of attainder was introduced into Parliament, which recited "that Garnet, Greenway, Gerard, Creswell,

* Rymer's Fœdera, vol. xvi. p. 639.

Baldwin, Hammond, Hall, and Westmoreland, all of them Jesuits, were concerned with Catesby, Tresham, and Thomas Winter in the treasonable correspondence with Spain immediately before and after the death of Queen Elizabeth; that the two Winters, Fawkes, Keyes, Rookwood, Grant, and Bates had been convicted of the Powder Treason by verdict, and Sir Everard Digby on his own confession; that Catesby, Percy, and the two Wrights were slain in open rebellion; and that Tresham, having confessed himself guilty of all the treasons, had died in the Tower before he could be indicted." It then proposed to enact "that the convictions should be confirmed by Parliament, and that all the offenders, as well those indicted as those not brought to justice and dead, should be convicted and attainted by that act; that such as were then living might be put to death at the King's pleasure, and that the property of all should be forfeited to the Crown." The effect of this bill was to declare the lives and property of several persons to be forfeited, who had never been arraigned or heard in their own defence. The Lords required the Attorney-General to lay before the house his proofs of the guilt of the parties sought to be attainted in this summary manner. This was done, but before the bill could be read a second time, Garnet and Hall were apprehended; upon which the Lords resolved, upon the motion of the Earl of Northampton, that "as upon the examination of some of the Jesuits and seminaries named in the said bill some more particular discovery might be made of the

treason, therefore stay might be made of any further proceeding upon that bill, till the said examination might be taken." *

Escape of Gerard and Greenway.

Gerard was fortunate enough to escape to the continent from Harwich shortly after the appearance of the proclamation. Greenway, disguising his person as well as he could, immediately came to London, thinking himself more secure from discovery in the populous streets of the metropolis than in the solitude of the country. Soon after his arrival in London, whilst he was one day standing in a crowd reading the proclamation for his apprehension at the corner of a street, he observed a man intently watching him, and comparing his person with the minute description of him in the proclamation. On retiring from the crowd this man followed him, and seizing him by the arm, said, "You are known; I arrest you in the King's name; you must go with me to the council." The Jesuit, with great composure, assured him that he was not the man he supposed him to be; but accompanied him quietly until they came to a remote and unfrequented street, where Greenway, being a powerful man, suddenly seized his companion, and, after a violent struggle, disengaged himself from him. He immediately quitted London, and remaining for a few days in some Roman Catholic houses in Essex and

* Lords' Journals, February 1st, 1605-6. Dr. Lingard (vol. ix. p. 60) represents that the reason for the postponement was the dissatisfaction of the lords with the evidence laid before them. But his argument from the dates is not conclusive; and the cause assigned by the Government seems far more probable.

Suffolk, he at last escaped in a small trading vessel to Flanders.* Garnet was not so successful as Gerard and Greenway; but before proceeding to relate the story of his apprehension and trial, it is proper to give some account of this remarkable person, the nature and extent of whose connexion with the Plot have formed the chief subjects of contention between Roman Catholics and Protestants in the history of this transaction.

Account of Garnet.

Henry Garnet was the son of a schoolmaster at Nottingham, and was born about the year 1554. He was brought up in the Protestant religion, and received his early education at Winchester College, from whence it was intended that he should go to New College, Oxford; but for reasons variously assigned by his Roman Catholic and Protestant biographers, this intention was not carried into effect. By Roman Catholics, a dislike to the reformed religion, conceived by him at Winchester, is said to have withheld him from going to Oxford; but Dr. Abbott says that the gross outrages and monstrous immoralities committed by him in the school induced the Warden to admonish him not to attempt to remove to New College.† The reader must adopt

* Juvencii Hist. Soc. Jesu, lib. xiii. p. 5, s. 48.

† The following is Dr. Abbott's account of Garnet's early depravity, which has certainly more of the character of a tale of malignant scandal than of a calm narration of facts. Nevertheless the reference to Bishop Bilson, as a living witness of what is stated, is remarkable. "Erat ille (Garnet) olim alumnus celeberrimæ scholæ Wintoniensis quo tempore præfectus scholæ fuit reverendus ille doctrinâ et gravitate Wintoniensis nunc episcopus (Bilson), cui etiamnum viventi notum est quod jam narro. Fuit autem aliquanto

either of these suggestions which he thinks the more probable, as neither of them is capable of proof. At all events, Garnet removed from Winchester to London, where he soon afterwards became corrector of the press to Tottel, the celebrated law printer. While he was in this employment he became acquainted with Chief Justice Popham, who recognized him on his first examination, and who, as well as Sir Edward Coke, treated him throughout the inquiry with great respect. The latter, in his speech on Garnet's trial, represents him as a man having "many excellent gifts and endowments of nature; by birth a gentleman, by education a scholar, by art learned, and a good linguist." After remaining with Tottel about two years, during which time his aversion to the Protestant religion had become confirmed, he determined to be reconciled to the Roman Catholic church; and having travelled, first to Spain and then to Rome, he entered into the Society of Jesus in the year 1575. In the Jesuits' College at Rome he studied with much industry and success under

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grandior factus unus ex præpositis quos vocant, quorum munus est cæterorum delinquentium nomina deferre; ex quo ambire gratiam illorum cæteri solent, et sibi quoad possent conciliari conari. Ergo quod pessimo et proclivi ad nequitiam ingenio esset, nec ferret manum illam quâ castigandus et a malis moribus coercendus esset, solicitavit ille quosdam ad consilia sua, cumque iis conjurationem iniit ad vim ludimagistro afferendum eique dextram manum præcidendam;—omine pessimo quasi prænuncians qualis in principes et magistratus et præfectos suos postea futurus esset. Ad reliquam pravitatem vitiosæ libidinis monstrum accessit, quâ ex condiscipulis quinque aut sex quos speciosiores adamaverat, Romanâ, si velis, sive malis, Sodomiticâ constupravit."—Antilogia Epist. Ad. Lectorum.

Bellarmine,* and other Roman Catholic professors; and such was his proficiency and reputation there in various departments of learning, that, at an early age, he was chosen Professor of Hebrew, and was licensed to lecture on metaphysics; and on occasion of the illness of the celebrated Clavius, who was professor of mathematics, Garnet conducted his class for upwards of two years. In 1586, at the suggestion of Father Parsons, he was appointed to the English mission; an employment for which his reputation for learning and his religious enthusiasm eminently adapted him, and which had long been the peculiar object of his wishes. Writers of his own communion describe him as a man of singularly mild and amiable demeanour, and of such remarkable gentleness of disposition, that Aquaviva, the Principal

* Bellarmine thus speaks of Garnet after his death: "Multorum annorum Garnetti consuetudine usus, optimé novi summam ejus probitatem et innocentiam, cum summâ ingenii eruditione conjunctam."—Bell. Apol. pro Resp., p. 178. In another passage Bellarmine characterises Garnet as "vir doctrinâ omnis generis et vitæ sanctitate incomparabilis."—Responsio Forti, p. 65. Upon this Bishop Andrews remarks, "Doctrinam si quam habuit, sibi habuit; nemo illi eam elicere, nemo extundere potuit; deprecatus semper in re literariâ collationem omnem. Profecto, in chartis ejus, quæ repertæ sunt, in toto sermone nihil usquam reconditæ eruditionis; Bacchum enim certe magis redolebat quam Apollinem. Siquid autem de Theologiâ incidisset, ablegabat ad alium, nescio quem collegam suum. Se enim per annos jam multos rebus gerendis fuisse, totum in praxim politicam incubuisse; eam praxim doctrinam sibi omnem (siqua unquam fuit) expectorasse; ut nostri, qui hominem adierunt, non alio sensu doctrinam ejus incomparabilem putarint, quam quod eam sibi nunquam comparare potuerit."—Tortura Torti, p. 228. [Edit. 1851, p. 271-2.] Notwithstanding this disparagement of Garnet's learning by Bishop Andrews, his additions to the "Treatise of Equivocation," demonstrate his familiar acquaintance with the controversial writings of the Jesuits.

of the Jesuits, discouraged his appointment to the English mission, on the ground that the difficulties and dangers of the situation called for a sterner and more enduring character. Two years after his arrival in England, the Superior of the English Jesuits being arrested and imprisoned, Garnet was chosen as his successor, and continued to discharge the duties of that responsible office with such exemplary punctuality, and with such an earnest zeal and courageous defiance of the dangers and persecutions which surrounded him, that he had acquired the esteem and veneration of his communion. For several years previously to the Powder Plot he remained for the most part in the neighbourhood of London, ostensibly following various occupations, in order to disguise his real calling. He was well known to have been fully implicated in the treasonable intrigue with the King of Spain immediately before the death of Queen Elizabeth, and was suspected of other seditious practices; and in order to protect himself from penal consequences, he purchased a general pardon upon the accession of James. His intimate association with Catesby, Tresham, Winter, Baynham, and other disaffected recusants, had for several years before the Powder Plot exposed him to the peculiar suspicion of the Government.

Garnet's connexion with Anne Vaux.

In the houses of many of the Roman Catholic nobility Garnet lived on terms of domestic familiarity; but William, Lord Vaux of Harrowden, was his peculiar patron and friend, from the time of his first arrival in England till the death of that nobleman in 1595.

Here also commenced his intimacy with the family of Sir Thomas Tresham, whose sister Lord Vaux had married, and whose residence at Rushton was not far distant from Harrowden; and here arose that singular connexion between Garnet and Anne Vaux, which was frequently alluded to in the course of the proceedings against him, and also in the subsequent controversy, in terms of scandal and reproach. Anne Vaux was the eldest daughter of Lord Vaux, by his first wife, a daughter of Sir Thomas Beaumont, Master of the Rolls. Lord Vaux was an enthusiastic devotee, and had brought up all his children in a rigid observance of the Roman Catholic faith. His eldest son, actuated by religious zeal, abandoned his native country, as well as his paternal title and estate, and entered into a foreign monastery, where he took orders, and died, during his father's life. One of his daughters married a rigid Roman Catholic, named Brooksby, and with her husband and her sister Anne Vaux, upon the death of their father, followed Garnet's fortunes, and were content, for the sake of religion and from personal attachment to him, to share his dangerous and uncertain mode of life. They always resided in the houses of common resort of the Jesuits; and as the persecutions of the times compelled Garnet constantly to change his place of abode, Anne Vaux continually accompanied him in all his peregrinations.

Intercepted Letters of Anne Vaux and Garnet

It is not surprising that such a connexion should have been ascribed to bonds less pure than those of religious or Platonic attachment. It would be idle,

of course, to investigate at length the merits of a tale of scandal more than two centuries old. Garnet solemnly denied the imputation at his execution, and his intercepted letters from the Tower show no feeling towards Anne Vaux beyond that of paternal regard; and though the language of some of her letters is sufficiently excited and passionate, they express only the agony of distress at the loss of a valued friend, upon whose advice and society she had long habitually relied. They are, in fact, such letters as any religious devotee might at that time have written to a spiritual protector under similar circumstances. For instance, in answer to a note, in which he informed her that Father Hall, had dreamed that "he and Garnet were transported to two fair tabernacles," Anne Vaux writes as follows: "Mr. Hall's dream had been a great comfort, if at the foot of the throne there had been a seat for me. God and you know my unworthiness; I beseech you to help me with your prayers. Your's, and not my own, A. V."* In a subsequent note she says, "If this come safe to you, I will write, and so will more friends, who would be glad to have direction from you who should supply your room. For myself,

* It should here be noticed that Dr. Abbott, who in his Antilogia indulges in much sarcasm respecting this connexion between Garnet and Mrs. Anne Vaux, remarks upon the signature to this letter as being A. G. (i.e. Anne Garnet), supposing that she used Garnet's name in the character of his wife. The suggestion is in itself extremely improbable; but in fact the signature is undoubtedly A. V., as appears to demonstration, upon comparing it with several instances of her handwriting in the State-Paper Office.

I am forced to seek new friends; my old are * * * * of me. I beseech you for God's sake, advise me what course to take so long as I may hear from you. Not out of London, my hope is that you will continue your care of me, and commend me to some that for your sake will help me. To live without you is not life but death. Now I see my loss. I am and always will be your's, and so I beseech you to account me. O, that I might see you! Your's." Whatever may be thought of other circumstances, these fragments of letters amount to no confirmation of the scandal. It is not, perhaps, wholly immaterial to consider that at this period Anne Vaux was upwards of forty, and Garnet more than fifty years of age.

The vice of habitual drunkenness was freely imputed to Garnet by his contemporaries. Dr. Abbott says expressly that "Garnet had an inveterate habit of drinking to excess." He relates that "on the night before his execution he was so drunk in the Tower, that his keeper thought it right to inform the Lieutenant of the circumstance; who, going with his wife and some other persons, to his lodging, found him in a disgusting state of intoxication, speaking thickly and inarticulately, and in the idiotcy of drunkenness, inviting each of them as they came in to drink with him." † Chamberlain also, in a letter to Sir Dudley Carleton, dated 27 March 1606, says, "Garnet hath

* These notes were written in orange-juice, and many words and passages in them are entirely illegible.

† Antilogia, p. 194.

been indulgent to himself in the Gatehouse and in the Tower, and daily drunk sack so liberally as if he meant to drown sorrow." These stories might be esteemed mere slanders, originating in party feeling or malignant gossip, were not the fact in great measure confirmed by an admission of Garnet himself. In one of the conferences between himself and Hall in the Tower, a confession made by Garnet to Hall was overheard, in which he states "that because he had drunk extraordinarily, he was fain to go two nights to bed betimes."*

Pilgrimage to St. Winifred's Well.

In the month of September, 1605, a pilgrimage to St. Winifred's Well, in Flintshire, was undertaken by Garnet, accompanied by a large party of Roman Catholics. The performance of this extraordinary religious ceremony, at this precise point of time, when the Parliament was expected to meet on the ensuing 3rd of October, and the Powder Plot was on the eve of its execution, is undoubtedly a circumstance entitled to much weight in considering the question of Garnet's implication in the guilt of the conspiracy. It appears, from various examinations, that the party consisted of about thirty persons, among whom were

* Interlocution, March 2nd, 1605-6. Appendix, No. II. Bellarmine having characterized Garnet as a man "vitæ sanctitate incomparabilis" [Responsio Torti, p. 65], Bishop Andrews observes, "De sanctitate ejus, vellem mitteres; atque utinam de sobrietate dicere posses, vix enim est, ut que sobrié non bibat, sancté vivat, vel sanctitatem sibi veram comparare possit. Ille verò quam sæpe non sobrius, nimis multis notum; quod tu, nisi incomparabilem ejus sanctitatem prædicasses, a me nunquam audiisses." Tortura Torti, p. 228 [Edit. 1851, p. 272].

Garnet and Anne Vaux, Lady Digby, Brooksby and his wife, Ambrose Rookwood and his wife, a priest named Fisher, and many other persons both male and female. The pilgrimage which occupied about a fortnight, commenced at Goathurst, Sir Everard Digby's house, in Buckinghamshire, and proceeded by Daventry to John Grant's house at Norbrook, and Robert Winter's at Huddington, and thence through Shrewsbury to Holt in Flintshire. The ladies of the company went barefoot from Holt to the Well, where all remained a whole night; and the party afterwards returned by the same route, through the midland counties, to Goathurst.* It is material to observe not only that Rookwood, one of the avowed conspirators, was a party to this pilgrimage, but that on their progress the pilgrims rested at the houses of John Grant and Robert Winter, at each of which mass was said by Garnet. It is scarcely conceivable that this unusual proceeding, undertaken at the express suggestion of Garnet, by persons actively concerned in the Plot, within a month of its proposed execution, should not have had reference to the great blow then about to be struck for the Roman Catholic church.

Journey to Coughton.

After the pilgrimage to St. Winifred's Well, Garnet, together with Mrs. Anne Vaux and Mrs. Brooksby, her sister, remained at Goathurst for several weeks; and on the 29th of October, a few days only before the proposed meeting of Parliament, he travelled with

* Examination of William Handy, November 27th, 1605. State-Paper Office.

Lady Digby, Anne Vaux, Mrs. Brooksby, and the whole family of Sir Everard Digby, to Coughton, in Warwickshire, and thus placed himself in the immediate neighbourhood of the general rendezvous of the conspirators. At this place Garnet and Greenway received the letter from Digby and Catesby, by Bates, containing the account of the discovery of the Plot, which has been above particularly alluded to. The suspicious journey to Coughton formed one of the most material circumstances in the evidence produced against the Jesuits.

Garnet removes from Coughton to Hendlip.

For some time after the capture of the conspirators at Holbeach, Garnet remained at Coughton, not without much uneasiness, though no proclamation had issued against him; but about the 16th of December, a Jesuit, named Hall or Oldcorne, who was domestic priest to Mr. Abington, of Hendlip Hall, near Worcester, sent for him to conduct him thither, assuring him that he would be welcome to Mr. Abington and his lady, and that he might remain at their house in greater security than at Coughton. Garnet readily availed himself of this invitation, and with Anne Vaux removed at once to Hendlip, where he remained until his apprehension. Previously, however, to his removal he sent a letter to the Lords of the Council, strongly protesting his innocence of the whole transaction.

Description of Hendlip Hall.

Hendlip Hall, a spacious mansion, situated about four miles from Worcester, was one of the most remarkable houses in England; and having been pulled

down only a few years ago, must be remembered by many persons now living. The date of 1572 appeared in one of the parlours, and the greater part of the house was built at the latter end of Queen Elizabeth's reign by John Abington, cofferer to the Queen, and a zealous partizan of the Queen of Scots. When the execution of the rigorous laws against Roman Catholics began to be enforced, his son, Thomas Abington, (who was a Papist, and had been confined for some years in the Tower for recusancy,) in order to afford protection to the proscribed priests who resorted to him, furnished the house with those ingeniously-contrived hiding-places, which we have above mentioned as common in Catholic dwellings. "There is scarcely an apartment," says an author,* who accurately describes Hendlip as it existed only a few years ago, "that has not secret ways of going in or going out; some have back staircases concealed in the walls; others have places of retreat in their chimneys; some have trap-doors, and all present a picture of gloom, insecurity, and suspicion." Its situation, too, upon the summit of the highest ground in the neighbourhood, with an unintercepted prospect on all sides, afforded peculiar facilities for a timely observance of the approach of dangerous visitors.

For several weeks Garnet remained sufficiently concealed in this singular mansion, dwelling ordinarily with Mr. and Mrs. Abington, Anne Vaux, and Father Hall, and only secreting himself more closely

* Beauties of England, vol. xv. part i. p. 184.

when strangers came to the house. The appearance of the proclamation against him, conjointly with Gerard and Greenway, rendered greater precaution necessary; for the facilities of Hendlip for concealment being well known to the government, directions were immediately given for its examination; and Sir Henry Bromley, of Holt Castle, a neighbouring magistrate, was commissioned by the Lords of the Council to invest the house, and to search rigorously all the apartments. As he approached with his company, Garnet and Hall retired to one of the numerous secret receptacles, and their respective servants, Owen and Chambers, to another. The following instructions* given by Lord Salisbury to Sir Henry Bromley on this occasion are characteristic of the time:—"In the search, first to observe the parlour where they use to dine and sup; in the east part of that parlour it is conceived there is some vault, which to discover you must take care to draw down the wainscot, whereby the entry into the vault may be discovered. And the lower parts of the house must be tried with a broach, by putting the same into the ground some foot or two, to try whether there may be perceived some timber, which if there be, there must be some vault underneath it. For the upper rooms, you must observe whether they be more in breadth than the lower rooms, and look in which places the rooms be enlarged; by pulling up some boards you may discover some vaults. Also, if it

Investment of Hendlip.

* From the State-Paper Office.

appear that there be some corners to the chimneys and the same boarded, if the boards be taken away there will appear some. If the walls seem to be thick and covered with wainscot, being tried with a gimlet, if it strike not the wall, but go through, some suspicion is to be had thereof. If there be any double loft, some two or three feet, one above another, in such places any may be harboured privately. Also if there be a loft towards the roof of the house, in which there appears no entrance out of any other place or lodging, it must of necessity be opened and looked into, for these be ordinary places of *hovering*." *

When Sir Henry Bromley arrived at Hendlip, on Monday the 20th of January, Mr. Abington was absent; but his lady, who was the sister of Lord Mounteagle, and the person by whom the warning to that nobleman has been supposed to have been sent, delivered her keys, and professed to give every encouragement to the search. The house was surrounded

* This word is here used in its original sense of "hiding," which seems to have been its exclusive signification until about the close of the sixteenth century. Thus Sir Nicholas Throckmorton writes in 1559: "These men lye still *hovering* about these parts," &c.—Forbes's Full View, vol. i. p. 251. And Spenser—

"It was scornefull Braggadochio
That with his servant Trompard *hovered* there."

Faery Queen, book iii. canto 10.

Shakespeare shows the word in its transition state. When used by the witches in Macbeth—

"*Hover* through the fog and filthy air,"

the word partakes of the ancient meaning. In the exclamation of Hamlet—

"Save me, and *hover* o'er me with your wings,"

it has altogether the modern signification.

with men, all the approaches to it being carefully watched and guarded, and every chamber, cellar, and loft rigidly and repeatedly examined. The following letter* from Sir Henry Bromley to the Earl of Salisbury, dated the 23d of January, the fourth day after the commencement of the search, shows what progress had then been made towards the discovery of the fugitives:—

"My especial good Lord,—I have pursued the service your lordship and the rest of the Lords have imposed on me for the search of the traitors; and gave it for gone, for that I could never get from Mrs. Abington nor any other in the house the least glimmering of any of these traitors, or any other treason to be here. Some presumption I had (besides your lordship's commandment) to continue me here, as finding beds warm, and sundry parcels of apparel and books and writing, that showed some scholars used. Mr. Abington was not at home when I came, but was gone to Pepperhill, to Mr. Talbot's, and came home on Monday night. I showed him his majesty's proclamation and my warrant for the search; but he absolutely denieth that he knoweth or ever saw any of these parties but Gerard, in his youth, some four or five and twenty years ago, and never saw him sithence. I did never hear so impudent liars as I find here—all recusants, and all resolved to confess nothing, what danger soever they incur. I holding my resolution to

* From the State-Paper Office.

keep watch longer (though I was out of all hope to find any man or any thing), yet at last, yesterday, being Wednesday, found a number of Popish trash hid under boards in three or four several places. The particularities I refer to this bearer. Wednesday night late I went to my house to take my rest, being much wearied, leaving my brother the charge of the house. So that this Thursday morning two are come forth for hunger and cold, that give themselves other names; but surely one of them, I trust, will prove Greenway, and I think the other be Hall. I have yet presumption that there is one or two more in the house; wherefore I have resolved to continue the guard yet a day or two. I could by no means persuade the gentlewoman of the house to depart the house without I should have carried her, which I held uncivil, as being so nobly born; as I have and do undergo the greater difficulties thereby. I have sent you the examinations of the parties which I have committed, and do expect your lordship's pleasure what shall be done with them. More at large your lordship may hear either from the bearer, or from myself at my coming up. In the mean time, I trust his Majesty and your lordships will accept of my willingness and readiness to do you better service when I shall be commanded. In the mean time, I most humbly take my leave of your lordship, remaining ever, at your lordship's command,

"Hendlip, this 23d of HENRY BROMLEY.

"January, very late.

"P.S. I desire to know what you will have done

with Mr. Abington. I think good in the mean time to restrain him at a magistrate's house at Worcester."

The two persons mentioned in the above letter, as having been forced from their hiding-places by cold and hunger, were not the Jesuits, but Chambers and Owen, their servants. They seemed half starved, and declared that since their enclosure they had only eaten one apple between them. Though disappointed in obtaining at this time the main objects of their search, Sir Henry Bromley and his company were satisfied that some of the priests were still in the house, and the blockade and examination were continued for several days, and might have been continued much longer without a successful result had not an unexpected incident occurred to shorten their labours.

Discovery of Garnet and Hall.

It will be remembered that after Robert Winter and Stephen Littleton had been discovered and apprehended at Hagley, Humphrey Littleton, together with Perkes and his sister and servant, who had sheltered the fugitives in his barn, were sent to Worcester to be tried for misprision of treason. A special commission of Oyer and Terminer was soon afterwards issued, directed to Sir Richard Lewkenor and the Sheriff and several magistrates of the county of Worcester, to try them. They were all found guilty and received judgment of death on the 26th of January. On the following day Humphrey Littleton signified that if the execution of the sentence were respited, he could render good service to the King by revealing certain matters relating to

the Jesuits and priests supposed to be implicated in the Plot. The respite was granted, and he then declared to a magistrate, who was sent to receive his statement,* "that having been doubtful in his own mind whether he ought not to have caused Robert Winter and Stephen Littleton to be apprehended, he had conferred with Father Hall the Jesuit whether he might with a safe conscience discover them or not." He said that "he related to Hall the judgment of God showed upon those which were any ways actors in these treasons, and that the heinousness of the offence was a scandal to their religion." Whereunto Hall answered, that the action was good, and seemed to approve of it, alledging an example from one of the Kings of France, who upon his sick-bed made a vow, if he recovered, to go to the Holy Land to fight against the enemies of God; which vow he performed, and went twice to the Holy Land with great armies, being the first time wholly discomfited and losing most of his men by a mighty plague; and the second time, dying himself of the same contagion with many more of his men,—no sickness or other ill-fortune befalling his enemies.' And the said Hall alleged 'that albeit the action had not good success, yet it was commendable and good, and not to be measured by the event, but by the goodness of the cause when it was first undertaken.' Humphrey Littleton further said "that he believed Hall to be at that time at Hendlip; and

* Humphrey Littleton's Relation, January 26th, 1605-6, at Worcester.—Add. MSS. in British Museum, No. 6178, p. 697.

that his servant who was then a prisoner at Worcester, could, as he thought, go directly to the secret places where Hall lay hid."

Upon the information thus furnished by Humphrey Littleton, directions for the apprehension of Hall were given. As Hendlip was close at hand, a communication was at once made to Sir Henry Bromley; and the searchers being stimulated by a direct object of pursuit, redoubled their labours. They do not, however, after all, appear to have discovered the concealed cell, until the two Jesuits, overcome at last by the confinement and foul air, voluntarily came forth into one of the chambers of the house.* Garnet afterwards said that "if they could have had liberty for only half a day from the blockade, they could so have eased the place from books and furniture, that they could have abidden there a quarter of a year." A contemporary manuscript says, that "marmalade and other sweetmeats were found there lying by them; but their better maintenance had been by a quill or reed, through a little hole in a chimney that backed another chimney into a gentlewoman's chamber, and by that passage cawdle, broths, and warm drinks had been conveyed to them." † Their inconvenient lodging in the cell, and the manner of their apprehension cannot be better described than by inserting some extracts from a nar-

* On January 30th Sir Henry Bromley informs Lord Salisbury that "now surely they had taken Garnet and Hall."—State-Paper Office.

† Harl. MSS., No. 360. Nash's Worcestershire.

rative* in Garnet's handwriting, addressed to Anne Vaux, soon after his commitment, and intercepted by the Lieutenant of the Tower.

Garnet's Narrative.

"After we had been in the hole (says Garnet) seven days and seven nights, and some odd hours, every man may well think we were well wearied; and indeed so it was, for we continually sat, save that sometimes we could half stretch ourselves, the place being not high enough: and we had our legs so straitened that we could not sitting find place for them, so that we both were in continual pain of our legs; and both our legs, especially mine, were much swollen, and mine continued so till I came to the Tower.

"We were very merry and content within, and heard the searchers every day most curious over us, which made me indeed think the place would be found. And if I had known in time of the proclamation against me, I would have come forth, and offered myself to Mr. Abington, whether he would or no, to have been his prisoner.

"When we came forth we appeared like two ghosts; yet I the stronger though my weakness lasted longest. The fellow that found us ran away for fear, thinking we would have shot a pistol at him; but there came needless company to assist him, and we bad them 'be quiet and we would come forth.' So they helped us out very charitably. We had escaped if the

* State-Paper Office. See Appendix, No. I.

two first hidden *soldiers* had not come out so soon; for when they found them, they were curious to find their place. The search at Hendlip was not for me, but for Mr. Hall, as an abettor of Robert Winter. Then came a second charge to seek for Mr. Gerard; of me never no expectation; so that it was only God's pleasure to have it as it is. '*Fiat voluntas ejus!*'

"Sir Henry, by the proclamation, knew me straight, and made of me exceedingly, saying I was a learned man and a worthy, &c. I acknowledged not my name, but referred all to my meeting with my Lord of Salisbury, who would know me. Yet never did I deny my name to Sir Henry, but desired him to call me as he would, for he called me by divers names, but my most common was Garnet. I told him that in truth it was not for any discourtesy, but that I would not, in the places we are, be made an obloquy; but when I came to London I would not be ashamed of my name.

"We were carried to Worcester in his coach, where he had promised us to place us in some baily's or other citizen's house; but when we came there he said he could not do as he wished, but must send us to the gaol. I said, 'A God's name! but I hope you will provide we have not irons, for we are lame already, and shall not be able to ride after to London.' 'Well,' said he, 'I will think of it,' and set me to rest in a private chamber, with one to look to me, because he would avoid the people's gazing. When he had despatched his business he sent for me, and

told me we should go with him to his house. So we did in coach, and were exceedingly well used, and dined and supped with him and his every day.

"On Candlemas-day he made a great dinner to end Christmas, and in the midst of dinner he sent for wine to drink health to the King; and we all were bare. There came, accompanying the wine, a white wax candle lighted, taken at Hendlip, with Jesus on one side and Maria on the other. So I desired to see the candle, and took it in my hands, and gave it to Mr. Hall, and said, 'I was glad yet that I had carried a holy candle on Candlemas-day.' So I pledged the health; yet, with favour, as they said, in a reasonable glass.

"I parted from the gentlewomen, who were very kind to me, as also all the house, who were with us continually, insomuch that Sir Henry was afraid we would pervert them; and the like *caveat* he hath given to my keeper here, whom I have sent to him sometimes. I desired them all to think well of me till they saw whether I could justify myself in this cause.

"All the way to London I was passing well used at the King's charge, and that by express orders from my Lord Salisbury. I had always the best horse in the company, yet was much distempered the first and last night.* I had some bickering with ministers by

* On February 5th Sir H. Bromley writes to Lord Salisbury from Wycombe, inclosing a list of his prisoners. He says, "Mr. Garnet is but a weak and wearisome traveller. He hath been three days in coming hither, but I hope to bring him to London to-morrow evening."—State-Paper Office.

the way. Two very good scholars, and courteous, Mr. Abbott* and Mr. Barlow, met us at an inn; but two other rude fellows met us on the way, whose discourtesy I rewarded with plain words, and so adieu. They were discharged by authority."

The prisoners on their arrival in London were lodged in the Gatehouse, and a few days afterwards were examined before the privy council. "As I went to the council-table at Whitehall," says Garnet, in continuation of his narrative, "a great multitude surrounded me, both going and coming: one said, 'There is a provincial;' another, 'There goeth a young Pope.' When I came to the Council I kneeled, and was bid stand, and I asked whether my letter had been seen. All denied it. So I made my true protestation of innocency in this case. They wished I would not so earnestly protest, for they had sure proofs. So my Lord of Salisbury first began, and his interrogatories and my answers, with some intermingled disputations, especially of equivocation, yet with all courtesy, lasted three hours almost. All these interrogatories were about the authority of the Pope, and my Lord Salisbury said, 'You see, Mr. Garnet, we deal not with you in matters of religion, as of your priesthood or the real presence, but in this high point in which you must satisfy the King that he may know what to trust unto.'

* The persons here mentioned were probably Dr. Robert Abbott, the brother of the Archbishop of Canterbury, at this time one of the King's chaplains, and soon afterwards Master of Baliol College, Oxford; and Dr. William Barlow, afterwards Archdeacon of Salisbury, and chaplain to Prince Henry.

I was glad to have this occasion to be accounted a traitor without the powder-house rather than within: and thinking myself also obliged to profess the faith of the supremacy, answered in many articles according to their demands plainly, yet modestly; and with great moderation also of rigorous opinions, affirming that none could attempt violence against the King, no, not the Pope commanding; that I thought he was not excommunicate; that in case one were excommunicated, none could execute the sentence without the Pope's consent.

"After some rest, I had another hour before them with Mr. Attorney, to small purpose, for I refused to acknowledge any of my own names but Garnet, or to name any person which might be indamaged by me; though after, in my other examinations, I thought better otherwise, in respect that all was known before, and I charged with treasons in some special places; but I am sure I have hurt nobody.

"On St. Valentine's day I came to the Tower, where I have a very fine chamber, but was very sick the two first nights with ill lodging. I am allowed every meal a draught of excellent claret wine; and I am liberal with myself and neighbours, for good respects, to allow also of my own purse some sack: and this is the greatest charge I shall be at hereafter, for now fire will shortly be unnecessary, if I live so long, whereof I am very uncertain, and as careless.

"Mr. Attorney biddeth me to provide to answer a certain conference of mine and Greenwell's; but I hope

I shall well enough, though I doubt not that Mr. Catesby hath feigned many such things for to induce others. And I doubt not, if I may have justice, but to clear myself of this powder;—as for other treasons, I tell them I care not for a thousand.

"In truth, I thank God I am and have been *intrepidus*, and herein I marvel at myself, having had such great apprehension before; but it is God's grace! And I often fear torture: yet it is the same God, and I cannot be tortured but for justice (that is, either to wrong myself or others); as I cannot be condemned but for justice, (that is, for not betraying such as either I had diverted from their purpose, or was never acquainted with their purpose at all.)"*

Anne Vaux sent to the Tower and Examined.

Anne Vaux, to whom this intercepted narrative is addressed, remained at Hendlip for some weeks after Sir Henry Bromley's departure with his prisoners, and then with Mrs. Abington followed Garnet to London. Shortly after her arrival in London she was arrested and sent to the Tower, where she appears to have been treated with unnecessary hardship and ignominy; but though she was often and rigorously examined, she denied all knowledge of the Plot, and resolutely refused to answer any questions which might bring other persons into difficulty; and she seems to have made no discovery which tended in the slightest degree to implicate Garnet. Of the subsequent fate of this unfor-

* The whole of Garnet's narrative is given in the Appendix, No. I. It is an important paper, as containing allusions unreservedly and incidentally made to Garnet's precedent knowledge of the Plot.

tunate lady, whose high birth, courage, and devoted attachment to Garnet, whatever may have been the nature of their connexion, cannot fail to excite interest and compassion, no traces are to be found. It is probable that she and her sister followed Garnet's advice by spending the remainder of their days in some foreign religious house. The name of Vaus or Vaux is mentioned among those English Roman Catholic ladies who, about the beginning of the seventeenth century, founded several foreign nunneries upon the principles of the Jesuits.*

Garnet's Examination.

During the first ten days of his imprisonment in the Tower, Garnet was subjected to almost daily examinations. But neither the treacherous courtesy and compliments of Lord Salisbury and Sir Edward Coke, nor the rougher treatment of the Lieutenant, could draw from him any direct admission of his participation in the Plot, nor any inculpation of Gerard and Greenway. The words of encouragement and approbation of the Plot, said by Bates† to have been uttered by Greenway to him in confession, he denied to have been spoken, saying that Bates himself had afterwards repented of his false declaration, and had excused himself, on the ground "that he had done it to save his life."‡ But he admitted that if the words were actually spoken by

* Wadsworth's English-Spanish Pilgrims.

† See *ante*, p. 163.

‡ Endæmon-Joannes professes to give an extract from a letter from Bates just before his execution, declaring his penitence for what he had stated respecting Garnet and Greenway. See Apologia pro Garneto, p. 6.

Greenway, they could not be justified. Being interrogated respecting his interview with Bates at Coughton,* he acknowledged the receipt of a letter by the hands of Bates, signed by Sir Everard Digby and Catesby, and that Bates informed him of the Plot and its failure, but denied that the letter contained a word upon that subject, or that Greenway had used any such language on that occasion as Bates had imputed to him.† One of Sir Everard Digby's servants had declared that two days before the meeting at Dunchurch, Garnet had said "it were good that Catholics, at the beginning of parliament, should pray for some good success toward the Catholic cause."‡ Some of the examiners, having founded a question upon this statement, Garnet firmly denied that any such words had been spoken by him. He also entirely denied all knowledge of either of the embassies to the King of Spain, in which Tresham had declared that he was implicated.

The commissioners being entirely convinced by the evidence in their possession that several of these denials of Garnet were untrue, threatened him with torture; to which he says that he replied in the words of St. Basil to the Emperor Valens, under a similar threat, "*Minare ista pueris.*" Notwithstanding this threat,

* See *ante*, p. 164.

† Garnet's Examination, February 13th, 1605-6. — State-Paper Office.

‡ William Handy's Examination, November 27th, 1605.—State-Paper Office.

however, and the confident assertion of some Roman Catholic writers to the contrary, it is clear that Garnet was never, during his examination, actually exposed to the torture. Garnet himself, in his intercepted correspondence, never hints that any violence of the kind was offered to him, though he says he expected it; and on his trial he admits the kind usage he had always received in the Tower. Lord Salisbury also declares that the King and the Lords Commissioners were "well contented to draw all from him without racking, or any such bitter torments." Dr. Abbott says, in his Antilogia, that the Commissioners were expressly ordered by the King not to apply the torture to him—a restriction which Abbott obviously considered injudicious. Casaubon also mentions the same fact. Probably his character, as Superior of the Jesuits, and the respect entertained for him by foreign ambassadors, and the whole body of Roman Catholics, procured for him this unusual exemption. But the two servants, Chambers and Owen, did not experience the same forbearance. The death of Owen occurred under circumstances which fully justified the suspicions entertained, and freely expressed by Catholics, that he expired under torture.

Death of Owen by Suicide.

Owen had been the confidential servant of Garnet for several years, and it might well be supposed that important disclosures would be procured from him. On the 26th of February he was examined in the Tower, and positively denied that he knew, or had ever seen or heard of either Garnet or Hall, and

obstinately adhered to this obvious and stupid falsehood. On the 1st of March he was again examined, and on his showing a disposition to adopt the same course of denial, his thumbs were tied together and he was suspended by them to a beam, while the questions were repeated to him. He then admitted his knowledge of Garnet, and his attendance upon him at Hendlip; but his confession on this occasion, which is at the State-Paper Office, disclosed no matters of any importance, and he was therefore informed that at the next examination he would be placed on the rack. Complaining of illness the next day, his keeper carried him a chair to use at his dinner, and with his food a blunt-pointed knife was brought for the purpose of cutting his meat. Owen finding fault with the coldness of his broth, besought the keeper to put it on the fire for him in an adjoining apartment; and as soon as the man had left the cell for this purpose, ripped up his belly in a frightful manner with the knife. The keeper on his return observed the pale and ghastly countenance of the prisoner, and perceiving blood sprinkled on the floor, threw off the straw which the unfortunate man had drawn over him, and discovered what had happened. He then ran to inform the Lieutenant, who hastened to the cell with several guests who happened to be at dinner with him. In answer to their questions the dying man declared that he had committed the act of self-destruction from the apprehension that severer torture than he had suffered the day before might force from him admissions injurious

to his Roman Catholic friends. He expired soon afterwards, and an inquest being held on his body in the Tower, a verdict of felo-de-se was returned. The above statement is circumstantially made by Dr. Abbott in his Antilogia,* in refutation of what he calls the *calumnies* of the Jesuits respecting the mode of Owen's death. There is perhaps no great difference, between the guilt of homicide by actual torture, and that of urging to suicide by the insupportable threat of its renewal.

The examination of Garnet and Hall having failed to draw any disclosures of importance from them, and torture being forbidden, in their case the Commissioners adopted a stratagem which had been employed in the case of Robert Winter and Fawkes, by means of which it was confidently expected that the desired evidence for the conviction of the priests might be obtained.

Conferenees in the Tower between Garnet and Hall.

Garnet and Hall were placed in adjoining cells, and they were both informed by a keeper, with strong injunctions to caution and secrecy, that by opening a concealed door they would be enabled to confer together. In the meantime two persons, Edward Forset,† a

* Antilogia, p. 114.

† There is a short account of Forset in Wood's Athenæ Oxonienses. He was the author of a quaint and fanciful treatise published in 1606, entitled, 'A comparative Discourse of the Bodies natural and politique.' In this book he alludes to the Gunpowder Plot, in the inflated style not unfrequently used at that time : "The verie relating or mentioning thereof (he says) dawnteth my hart with horror, even shaking the verie pen in my hand, whilst I think what a shake, what a blast, or what a storme (as they termed it), they ment so suddenly to have raised for the blowing up, shivering into peeces and whurling about of those honourable, anointed, and sacred bodies which the Lord would not have to be so much as touched."

magistrate and a man of character and learning, and Locherson, a secretary of Lord Salisbury, who had previously acted a similar part in the case of Robert Winter and Fawkes, were placed in such a situation between the cells that they could overhear much of what was said by the prisoners.*

The discoveries to which these overheard conversations led the way were more important than any evidence which they furnished in themselves. The minutes appear to have been taken with caution and candour; but the listeners heard the conversations but imperfectly, and many things were reported by them, the verbal accuracy of which could not be relied upon. Nevertheless, quite enough was revealed to form the foundation for a more direct and searching examination of the prisoners. Until these conferences had taken place, Garnet had strenuously denied all acquaintance with the Plot previously to the receipt of Digby's letter at Coughton; and besides the unsupported and suspicious testimony of Bates, no evidence had been

* The notes of these several conversations, or interlocutions, as they are quaintly called, with the exception of one of the 21st of February, are still in existence. They are curious documents; and as they throw light upon the subject of Garnet's guilt they are inserted in the Appendix, No. II. Three of them are literal transcripts of the originals at the State-Paper Office, in Locherson's writing. The original of that dated 25th February is not to be found at the State-Paper Office, but it is given in the Appendix from a copy among the Tanner Manuscripts in the Bodleian Library. A stratagem precisely similar to that employed against Garnet and Hall was used successfully, in 1807, to obtain evidence against Holloway and Haggerty upon their trial for the murder of Mr. Steele at Hounslow.

obtained which tended to implicate him more deeply in the transaction. Expressions were, however, used by him in the course of these interlocutions, which indicated a previous knowledge of the main design of the conspirators. For instance, in the first of the conferences on the 21st of February, Garnet says, "I must needs confess White Webbs, that we met there; but I will answer it thus,—that I was there but knew nothing of the matter." Again, in the same conference he says, "Perhaps they will press me with certain prayers that I made against the time of the parliament, for the good success of that business,—which indeed is true. But I may answer that well, for I will say it is true that I did doubt that at this next parliament there would be more severe laws made against the Catholics, and therefore I made those prayers. And that will answer it well enough." Again, in the conference on the 25th of February, Garnet said "he was charged about certain prayers to be said for the success of this business at the beginning of the parliament. Indeed upon All-Hallows day * we used those prayers, and then I did repeat to them two Latin verses,—which both prayers and verses, Garnet did now rehearse to Hall confessing that he made them both." In the conference of the 25th of February, he said also that "he was charged with some advice he should give in Queen Elizabeth's time of the blowing up of the Parliament House with gunpowder. Indeed, I told them at that time it was lawful, but wished them to

* November 1st.

do their best to save as many as they could that were innocents." Besides these particular indications, it is impossible to peruse the notes of these conferences without being struck with the remarkable fact, that although speaking the whole secrets of his heart unreservedly to his friend, Garnet does not utter a word in denial of his knowledge of the Plot and his acquiescence in it;—nor a word from which it can be implied that in his conscience he knew that he was untruly accused in that respect. On the contrary, the whole scope and object of his conversation is the arrangement of the means by which he may baffle examination and elude detection,—his only care being to "contrive safe answers," and—to use his own language —"to wind himself out of this matter."

Garnet and Hall deny the Conferences.

Garnet and Hall, on being charged with these conferences by the Commissioners, firmly denied that any such had taken place. Hall first admitted the fact, probably under torture; but Garnet, even when he was shown Hall's confession, positively declared before the Commissioners, that "he never had any speech or conference with him, and that Hall might accuse himself falsely, but that he would not accuse himself." *

* Garnet's Examination, March 5th, 1605-6. "Being told, and showed the examination of Hall under his own hand, whereby Hall chargeth him that they had divers conferences together since their coming into the Tower, the one being on the one side of the door, and the other on the other, saith, that he never had any speech or conference with him, and that Hall may accuse himself falsely, but that he will not accuse himself."

(Signed) "Henry Garnet."

Garnet afterwards justified this manifest falsehood on the Jesuit-

Lord Salisbury said, on the trial, that he denied this "so stiffly upon his soul, reiterating it with so many detestable execrations, as it wounded the hearts of the lords to hear him." Finding, however, that it would be to no purpose to persist in denying a fact which had been established beyond all doubt, he at length acknowledged the conferences, and was gradually drawn on by expert examinations to admit a variety of criminatory facts and circumstances, from the effect of which he afterwards found it impossible to extricate himself.

Garnet's Admission.

He first confessed two facts which in former examinations he had denied, namely, that he had written to the Jesuit Baldwin in commendation of Fawkes, when he went over to the Netherlands, shortly before Easter, 1605, to obtain the co-operation of Sir William Stanley and Owen in the plot; and also that he had written to the same Jesuit to commend Sir Edmund Baynham on his mission from the conspirators in September, immediately before the meeting of Parliament. At last,

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ical principle that no man was bound to charge himself until the matter of the charge was proved *aliunde*. In an intercepted letter "to the Fathers and Brethren of the Society" written on Palm Sunday (after his trial), he thus relates this story:—"When the lords inquired of me concerning my conference with Hall, I denied it. They drove me to many protestations, which I made with equivocation. They then said that Hall had confessed the conference. I replied, 'That I would not confess it; that Hall might accuse himself falsely, but that I would not do so.' As soon as I found that they had sufficient proofs, I held my peace; the lords were scandalised at this. But what should I have done? Why was I to be denied every lawful means of escape?"—Abbott's Antilogia, p. 146.

after much difficulty and prevarication, he admitted that the design of blowing up the Parliament House with gunpowder had been revealed to him in July, 1605, by Greenway, who had received it in confession from Catesby, and, as he believed, also from Thomas Winter.* He declared, however, that he endeavoured to dissuade Catesby from his purpose, and desired Greenway to do the same; and that he obtained from the former a promise that "he would not proceed in the matter before he had acquainted the Pope generally with the state of England, and had taken his advice and direction therein." He said also that he advised Catesby to send Sir Edmund Baynham to Rome for that purpose.† He further admitted that Catesby and Thomas Winter had, a twelvemonth before, mentioned to him generally that a design was on foot against the government, in consequence of the King's breach of promise with the Catholics, but without explaining the particulars; and that he then again discouraged all attempts at insurrection to the utmost of his power, saying that it was against the express and earnest command of Pope Clement VIII., as signified to him by a letter from the Father-general of the Jesuits.‡ In one of his examinations§ at this period, he stated, that "about the time of the resistance of the Bishop of Hereford's officers by Catholics (May 1605),

* Garnet's Examination, March 12th, 1605-6.
† Ibid., March 12th, 1605-6.
‡ Ibid., March 13th and 14th, 1605-6.
§ Ibid., March 12th, 1605-6.

he wrote to the Pope for the staying of all commotions, and received answer from the Pope about Midsummer, wherewith he acquainted Catesby; and that about the beginning of July he wrote again to the Pope, and certified that he hoped to stay all general stirs; but, for that he feared *some particular stratagem*, he desired the Pope to grant a prohibition under censures. Whereunto he received answer about Michaelmas, 1605, that he (the Pope) was glad that the general (stirs) should be protected, and for any particular, he thought his general prohibition would serve, and that there needed no particular prohibition under censures; but if there should be any necessity, upon advertisement thereof, he would grant it." He further stated, that in the early part of June then last, at his chamber in Thames-street, in London, Catesby propounded a question to him in general terms, as to the lawfulness of a design intended for the promotion of the Catholic religion, in the prosecution of which it would be necessary, together with many enemies, to destroy some innocent Catholic friends.* Garnet says, that, in total ignorance of Catesby's intended application of his answer, he replied, that "in case the object was clearly good, and could be effected by no other means, it might be lawful among many nocents to destroy some innocents." Greenway, who was present at this conversation, states, in his Narrative, that Catesby's question had no intelligible reference to the Powder Plot, but that he

* Garnet's Examination, March 6th, 1605-6. Harl. MSS. No. 360.

referred expressly to his pretended design of serving under the Archduke in Flanders against the States. He assumed that the general design of fighting for the Catholic cause was lawful and meritorious; but he put, amongst other instances, the case of attacking a particular town defended by the heretical Dutch, in sacking which it might happen that some Catholic inhabitants might be killed or injured, and inquired whether it was justifiable to prosecute a design in which this injustice might probably occur? To which, as a piece of abstract casuistry, Garnet answered in the affirmative. It should be remarked, however, that Garnet himself never gave this explanation of the conversation, though both on his trial and in the course of the previous examinations it was heavily pressed against him.

The Pope's Breves.

Garnet further confessed, that, about a year before Queen Elizabeth's death, he had received from the Pope's Nuncio in Flanders two papal breves of Clement VIII.; one of which was addressed to the lay Catholics, and the other to the Catholic clergy of England, together with the copy of a letter of directions from the Pope to the Nuncio. He stated the effect of both the breves to be, "that none should consent to any successor upon Elizabeth's death, however near in blood, who would not give toleration to Catholics, and with all his might, set forward the Catholic religion; and who would not, according to the custom of other Catholic princes, submit himself to the apostolical see." The effect of

the letter to the Nuncio, he said, was to urge him to vigilance, and to enjoin him "whensoever that wretched woman should depart this life (*quandocunque contingeret miseram illam fœminam ex hâc vitâ excedere*), immediately to certify the event to the Pontiff, and circulate the breves in England, in the Pope's name, and upon his authority." Garnet declared, however, that these breves were not in any way directed against James, who was, at that time, understood to be favourable to the Catholic religion, but against other competitors for the crown, amongst whom he mentions the Earl of Essex, as "perhaps the most mighty of all."* Garnet stated that he had destroyed these breves after the King's accession, though he admitted that he had given them to Catesby and Thomas Winter, who showed them to Percy, and also to Tresham and Lord Mounteagle. And he admitted that Catesby had always founded his argument, when dissuaded from any practices against the King, upon these breves, saying, that "he was sure it was lawful; for if it was lawful by force of the Pope's breves to have kept the King out, if he was not a Catholic, it was as lawful now to put him out, when he had declared himself the enemy of Catholics."

* Garnet's statements respecting these breves are contained in Examinations of the 13th, 14th, and 26th of March, 1605-6, the originals of which are extant at the State-Paper Office; and in an Examination of Garnet on March 27th, taken from a copy in the Add. MSS. at the British Museum, No. 6178, p. 753. The several examinations relating to these breves will be found in the Appendix, No. III.

The above was the substance of the statements made by Garnet before his trial; most of the examinations in which they are contained are still extant at the State-Paper Office with his signature, or are taken from copies, the authenticity of which cannot be reasonably doubted.

Reserving for the present any particular notice of the strong presumption raised by these statements, that Garnet was, really and morally, a full accomplice in the Plot, it may be remarked that, at all events, they entirely establish his legal responsibility. They distinctly show that he was acquainted with the principal design of the conspirators,—a fact which, subsequently to the interlocutions with Hall, he never attempted to deny. Admitting therefore the truth of all the circumstances alleged by Garnet and his apologists, by way of palliation;—admitting that he sincerely thought himself bound, by the most sacred obligation, not to reveal what he had heard only in consequence of a disclosure in confession; and giving him credit for earnest endeavours to avert the catastrophe, he would still be guilty, upon his own admission, of misprision of treason by the law of England. The bare knowledge and concealment of treason, without any degree of assent thereto, constitutes the crime of misprision of treason, and subjects the offender to forfeiture of all his lands and goods, and imprisonment for life. The concealment becomes criminal if the party apprised of the treason does not, as soon as possible, reveal it to some magistrate; and no religious scruples respecting confes-

Garnet's legal offence.

sion could by law be allowed as a mitigation of the nature or punishment of an offence so dangerous to the well-being of society.

Execution of Hall.

The Jesuit Hall, Garnet's companion at Hendlip and in the Tower, was sent down to Worcester with Mr. Abington and a priest named Strange, to be tried under a special commission, and, with Strange and several other persons, was executed there on the 7th of April, 1606.* Hall is said to have been enrolled in the calendar of the Roman Catholic church as a martyr.† If by a martyr is to be understood an innocent person who suffers death for the sake of religion, it is difficult to understand how this Jesuit could be entitled to the honour of martyrdom. He was not, indeed, shown to have been privy to the Plot previously to its discovery; and the technical offence laid to his charge was undoubtedly the relief and succour he had afforded to his friend and superior after the proclamation. But there is convincing evidence that after the apprehension of the principal traitors, if he did not directly express approbation of the Plot, he evinced no disposition to condemn it. This evidence is contained in a conversation between him and Humphrey Littleton, the account of which is given not only in a declaration of Littleton, made after sentence of death was passed upon him, but by Hall himself in a voluntary declaration‡ still extant, in his own handwriting; and it is particularly

* Winwood's Memorials, vol. ii. p. 206.

† Ribadeneira, Catalogus Scriptorum Soc. Jesu, p. 377. Antwerp, 1613.

‡ Hall's Declaration, March 12th, 1605-6. State-Paper Office.

deserving of notice as an example of the distorted perception of right and wrong, which could cause a man of religious education, and apparently of humane and quiet disposition, to hesitate and argue respecting the moral character of such an offence as the Gunpowder Treason. "Mr. Humphrey Littleton," says he, "told me, that after Mr. Catesby saw himself and others in his company burnt with powder, and the rest of the company ready to fly from him, that then he began to think that he had offended God in this action, seeing so bad effects follow of the same. I answered him, that an act is not to be condemned or justified upon the good or bad event that followeth it, but upon the end or object, and the means that is used for effecting the same; and brought him an example out of the book of Judges, where the eleven tribes of Israel were commanded by God to make war upon the tribe of Benjamin; and yet the tribe of Benjamin did both in the first and second battle overthrow the other tribes. 'The like,' said I, 'we read of Lewis, King of France, who went to fight against the Turks, and to recover the Holy Land; but there he lost the whole of his army, and himself died there of the plague. The like we may say, when the Cyprians defended Rhodes against the Turks, where the Turks prevailed and the Cyprians were overthrown. And yet, no doubt, the Cyprians' cause was good and the Turks' was bad.' And this I applied to this fact of Mr. Catesby's. It is not to be approved or condemned by the event, but by the proper object or end, and means which was to be

used in it. And because I know nothing of this, I will neither approve it nor condemn it, but leave it to God and their own consciences."

Mr. Abington tried and convicted.

Mr. Abington, whose legal offence, like that of Hall, seems to have been merely the assistance and concealment of Garnet, was also tried, convicted, and sentenced to death, but his connexion with Lord Mounteagle is said to have saved his life. He afterwards received a pardon on condition of his restricting himself to the county of Worcester for the remainder of his days. Subsequently to this period, Mr. Abington devoted himself with great assiduity to the collection of materials for the history of his native county. "He surveyed Worcestershire," says Anthony Wood,* "and made a collection of most of its antiquities from records, registers, evidences both public and private, monumental inscriptions and arms. Part of this book I have seen and perused; and find that every leaf is a sufficient testimony of his generous and virtuous mind, of his indefatigable industry and infinite reading." Of the numerous proceedings in the country, under which many other persons were put to death for an imputed connexion with the Gunpowder Plot, it is to be lamented that no relation whatever exists.

* Athenæ Oxon., vol. iii. p. 222, edit. Bliss. The collections of Mr. Abington were much used by Dr. Nash in his history of Worcestershire.

CHAPTER VII.

Trial of Garnet—Speech of Sir E. Coke—Garnet's defence—Remarks on the Trial—Unjust practice in reading written documents—Disadvantages under which Garnet defended himself—Observations on the formal charge against him.

GARNET, Greenway, and Gerard, had all been charged as principals in the indictment upon which the other conspirators had been tried and convicted; indeed, in that indictment, the whole Powder Treason was stated to have been devised by them, and executed under their encouragement and direction. There was at that time no evidence whatever of these facts except Bates's statement; but the general prejudice against the Jesuits was sufficient to insure the finding of a true bill against them, and this, it was probably supposed, would be useful in inducing the House of Lords to pass the intended bill of attainder. But the facts stated in the former charge were inconsistent with the discoveries made since Garnet's apprehension, and on that account it became necessary to frame a new indictment. The former case had been tried at Westminster; but with a view to make the proceedings as imposing as possible, and also as a compliment to the citizens, it was arranged that Garnet's trial should take place in the city of London. A special commission was therefore issued

into London for the purpose, directed for the most part to the same Commissioners who had presided on the former occasion, with the addition of the Lord Mayor and Aldermen, in compliance with the immemorial privilege of the city.

Garnet's Trial.

Although many accounts of the trial of Garnet have been published at various times, and by various parties, no accurate or literal contemporary report of the proceedings is to be found. The "True and Perfect Relation of the whole Proceedings," which was printed by the King's printer, and published by authority immediately after the trial, and which being translated into Latin, and carefully distributed throughout Europe, has become most generally known, is certainly not deserving of the character which its title imports. It is not *true*, because many occurrences on the trial are obviously misrepresented; and it is not *perfect*, because the whole evidence, and many facts and circumstances which must have happened are omitted, and incidents are inserted which could not by possibility have taken place on the occasion. There is a copy of the trial among the Harleian manuscripts, which is valuable, as containing a particular reference to all the examinations given in evidence, and a full statement of the speech of the Attorney-General. There are also a few contemporary letters in existence, narrating the incidents of the trial; and in the various histories of the Jesuits many relations of the proceedings are found, which may, in some measure, correct and qualify the partiality of the authorized report. Unfortunately, these historians are

themselves grossly partial in the relation of a transaction which tended to tarnish the character of one whom their Church had enrolled as a martyr; in addition to which, their accounts, being generally compiled from hearsay, by foreigners unacquainted with the forms of English procedure, are more absurdly inaccurate, though perhaps less intentionally false, than that published by the authority of the English government.

The trial took place on the 28th of March, 1606, under a special commission directed to the Lord Mayor, several high officers of State, Sir John Popham, Lord Chief Justice, Sir Thomas Fleming, Lord Chief Baron, and Sir Christopher Yelverton, one of the judges of the Court of King's Bench. The proceedings lasted from eight o'clock in the morning until seven at night. The King was present, privately, during the whole time, with a vast assemblage of courtiers. Several foreign ambassadors also were spectators at the trial; and many ladies, among whom were the Lady Arabella and the Countess of Suffolk, were attracted to Westminster Hall to witness a forensic spectacle of more than ordinary interest and importance.*

The indictment charged Garnet, upon the Statute of Treasons, with compassing the death of the King and heir apparent, and with a design to subvert the Government and the true worship of God established in England, to excite rebellion against the King, to

* Winwood's Memorials, vol. ii. p. 205. Dr. Abbott says, "Assederunt auditores Comites et Barones quamplurimi, magnus Equitum Auratorum splendor, generosorum et populi melioris ingens numerus."—Antilogia, p. 9.

procure foreigners to invade the realm, and to levy war against the King. The overt acts of these points of treason were stated to be a consultation with Greenway and Catesby on the 9th of June, 1605, respecting the means of carrying them into execution; and an agreement for that purpose with Catesby, Fawkes, Thomas Winter, and other traitors, lately attainted of high treason, to blow up the House of Parliament with gunpowder. To this indictment Garnet pleaded not guilty.

Sir Edward Coke's Speech.

Sir Edward Coke, the Attorney-General, opened the case with a long and laboured harangue in his peculiar style. He proposed to divide his matter into offences and circumstances precedent to, concurrent with, and subsequent to, the offence which was formally charged against Garnet by the indictment. "And because," said he, "I am to deal to-day with the Superior of the Jesuits, I will only touch such treasons as have been plotted and wrought by the Jesuits since the superiority of this man in England, whereof he may truly say, '*quorum pas magna fui.*' And inasmuch as this prisoner is a grave and learned person, I will force my nature to deal mildly with him." The Attorney-General then rehearsed all the treasons and conspiracies imputed to the Roman Catholics since Garnet came into England as superior of the Jesuits. The threatened invasion by the Spanish armada, the treasons of Cullen, of Williams and Yorke, and of Squire and Walpole, were all related at length and pressed against Garnet as offences precedent to the

Powder Treason. With more appearance of reason and justice it was urged by the Attorney-General that the mission of Thomas Winter to the King of Spain, which was contemporaneous with the reception by Garnet of the two papal breves excluding a Protestant successor to Queen Elizabeth, together with the mission of Christopher Wright and Fawkes to Spain soon after the King's accession, which was merely a continuation or renewal of Thomas Winter's previous negotiation, must have been known to the Superior of the Jesuits in England; and that this circumstance furnished a strong presumption of his privity to the Gunpowder Treason, which was devised by the same parties and directed to the same objects. As evidence of his concurrence in the Powder Plot, Sir Edward Coke insisted that Garnet having received from Greenway particular knowledge of the design, he afterwards encouraged and promoted it by sending letters to the Pope by Sir Edmund Baynham, and expressed his consent and approbation at the eve of its completion by especially directing his hearers at Coughton to pray for "some good success for the Catholic cause at the beginning of Parliament;" and "prayer," said the Attorney-General, "is more than consent, for *nemo orat sed qui sperat et credit.* And he in the prayer used two verses of a hymn:"

"Gentem auferte perfidam
Credentium de finibus
Ut Christo laudes debitas
Persolvamus alacriter."*

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* These verses are taken from one of the curious Latin hymns

At the conclusion of his speech the Attorney-General produced his proofs, which consisted almost entirely of examinations taken before the commissioners previously to the trial. The only witnesses orally examined were Forset and Locherson, the two persons who had overheard the conversations between Garnet and Hall in the Tower, and who were now called to verify the minutes they had taken. They affirmed that the whole matter contained in the papers signed by them was true; and further declared that "both of them took notes of that which they heard from Garnet and Hall as near as possibly they could, and that they set down nothing in their papers but those things wherein both their notes and perfect memories agreed and assented; and that many things that were material and of great moment were left out, because their notes and memories did not perfectly agree therein." Garnet observed as to this evidence that "he did not charge these gentlemen with perjury, because he knew them to be honest men; yet he thought they had mistaken some things, though in the substantial parts he could not deny their relation."

Garnet defended himself with courage, intelligence,

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used in the Roman Church, many of which are as old as the fourth century. The hymn which begins—

"Christe, redemptor omnium,"

formed part of the service expressly appointed for All Saints' Day in the breviaries authorised by Pius V. and Clement VIII., and in use at Garnet's time, and it continues to be so at the present day. No inference, therefore, against Garnet could justly be drawn from the use of it on the 1st of November.

and temper. The doctrine of equivocation, which had been denounced by Sir Edward Coke, he explained according to the notions of the Roman Catholic Church, and justified it upon the arguments used in the "Treatise of Equivocation" found in Tresham's desk. Other tenets of the Jesuits he also explained and vindicated. He denied all correspondence with Spain at the time of the armada; "and, indeed, I think," said he, "that the Spaniard was at that time so confident in himself that he never laboured for any help in England." He also denied all participation in subsequent plots. He admitted that Thomas Winter's negotiation with Spain for an armed invasion of England immediately before Queen Elizabeth's death had been communicated to him, but declared that he refused to act in it, being forbidden by his superior to deal with any such matters. He admitted also that he was acquainted with Christopher Wright's mission to Spain soon after James's accession, but that he always supposed that he went to petition the Spanish Government for pensions to distressed Catholics in England, and that when he understood that the emissaries took upon themselves to move the subject of invasion, he expressed his dislike of it, and told those who were engaged in it that it would be disapproved at Rome. He called God and all the Saints to witness that he always abhorred the wicked attempt of the Powder Treason, that he ever thought it wholly unlawful, and did all he could to prevent it. "Yet I do confess," said he, "that I did some time since understand from Mr.

Catesby that he had some great thing in hand for the good of Catholics. I much disliked it and dissuaded him; only I must needs confess I did conceal it after the example of Christ who commands us 'if thy brother shall trespass against thee, go and tell him his fault between thee and him alone; if he shall hear thee, thou hast gained thy brother.'* But I allow that the laws made against such concealing are just and necessary, for it is not fit that the safety of the State should depend upon any man's particular conscience." He admitted that "he had written letters to Flanders in commendation of Fawkes, supposing that he went to serve as a soldier, and ignorant of any other purpose he had in hand." He also admitted that "when Sir Edmund Baynham was to go over into Flanders for a soldier, as he pretended, that he commended him to the Pope's nuncio and other friends there, that they might send him to the Pope to inform him of the distressed state of the Catholics in England, and that Baynham might learn from the Pope what course he would advise to be taken for their relief." He confessed further that "Catesby asked him in general the question of the lawfulness to destroy 'innocents' with 'nocents,' which he at first considered as a mere abstract question, though he afterwards suspected that Catesby intended some practical application of it; whereupon he informed Catesby that he had lately received letters

* Matt. xviii. 15. Garnet obviously misapplies this injunction, which refers in express terms to individual injuries and not to crimes.

from Rome ordering him to prohibit all insurrections by Catholics, and told him that 'if he proceeded against the Pope's will he could not prevail;' that Catesby refused to take notice of the Pope's pleasure by him, but said that 'he would disclose to him the particular project in hand, if he could obtain leave from his confederates to do so;' that soon afterwards Catesby came to him and told him that he had obtained leave to tell him the project, and then offered to disclose it to him; but that he refused to hear it, and told him to inform the Pope of what was intended." Garnet further admitted that "he had been particularly acquainted with the main plot by Greenway, for Greenway had come to him in perplexity to advise with him upon something which he said was intended by Catesby and others; and that Greenway then told him "the whole plot and all the particulars of it, with which he (Garnet) was very much distempered, and could never sleep quietly afterwards; that he never consented to it, and often prayed to God that it might not take effect."

At this point of his defence the Earl of Salisbury asked Garnet "why he had not written to his superior Aquaviva at Rome to prevent this particular Powder Treason, as he had already done in smaller matters?" Garnet answered that "he might not disclose it to any one, because it was communicated to him in holy confession; but that he had commanded Greenway to dissuade Catesby, which, as he believed, he did." Lord Salisbury here said, "You have admitted, Mr.

Garnet, that Greenway told you of the Powder Treason, but I ask you did not Catesby tell you of it?" "That, my Lord," said Garnet, "I may not answer." "Why, then," asked Lord Salisbury, "if you desired to prevent this mischief, did you refuse to hear all the particulars from Catesby when he offered to tell you?" Garnet only answered that "after Greenway told him what it was that Catesby intended, and he had called to mind what Catesby had previously said to him in general terms, his soul was so troubled with mislike of that particular, that he was loath to hear any more of it."

After the Attorney-General had replied to Garnet's defence, the Earl of Northampton delivered a long address,* at the conclusion of which Garnet said that "he had dealt plainly with the facts, that he had done more than he could excuse by law in having concealed his privity to the design; but that he had acted upon a conscientious persuasion that he was bound to disclose nothing that he had heard in sacramental confession." He desired the jury to "believe those things which he

* In the report of these proceedings in Howell's State Trials, a very long speech of the Earl of Northampton's is here inserted which was published by him as a separate pamphlet soon after Garnet's trial. It appears from an account given in Moor's Reports, p. 821, of some proceedings in the Star-Chamber in 1612, that certain individuals were grievously fined in that Court for having circulated a story that Lord Northampton had written to Cardinal Bellarmine, "praying him to make no answer to his book about Garnet's treason, because he had only written it *ad placandum regem, et faciendum populum.*" It will be remembered that the Earl of Northampton was a Roman Catholic; and it is certainly a singular fact that Bellarmine, in his controversy with James I., does not allude to this speech.

had truly declared and affirmed, and not to give credit unto statements of which there was no proof against him, nor to condemn him by mere circumstances and presumptions." The jury, after deliberating about a quarter of an hour, returned a verdict of guilty, and the Lord Chief Justice passed sentence upon the prisoner to be hanged, drawn, and quartered.

Remarks on the Trial of Garnet.

The observation which most readily suggests itself upon the perusal of the trial of Garnet, is the injustice of enforcing against an individual tried for a specific offence, all the treasons or imputed treasons committed during twelve years, by members of the religious party to which he belonged. The charge against Garnet was, that he promoted the Powder Treason in the reign of James I.; and, in establishing this proposition, the traitorous attempts of Cullen, of Williams and Yorke, and of Squire, in the reign of Queen Elizabeth, with which it was not pretended that Garnet was immediately concerned, were detailed at great length, and urged upon the attention of the Jury with every circumstance of aggravation. And this was done not only in the opening accusation of the Attorney-General, but the facts of these precedent treasons were successively proved in evidence by the examinations and confessions of the respective parties, drawn, for that purpose, from the archives of the Secretary of State. We find from the letters of contemporaries that it was believed from the production of these matters at the trial, that Garnet was guilty of all these antecedent treasons. "The sum of all was," says

Chamberlain, in a Letter to Sir Thomas Winwood,* "that Garnet, coming into England in 1586, hath had his finger in every treason since that time." The Earl of Salisbury indeed says, upon the trial, that the object was not to convict and punish Garnet, but to make a "public and visible anatomy of Popish doctrine and practice." Thus the particular crime of Garnet merely formed the text which was expanded into a large discourse of all the treasons of the Jesuits. For the same purpose, and also in order to excite a particular prejudice against the prisoner, the treasonable negotiations with the King of Spain, at the end of Elizabeth's reign, which could not be made the subject of prosecution against Garnet, on account of his pardon, were recited and proved as circumstantially as if they had formed part of the charge in the indictment.

The evidence against Garnet, as to the Powder Plot, in addition to his own statements, consisted, for the most part, of the confessions and declarations of accused persons made before the Commissioners in his absence; and no single living witness was produced in the course of this voluminous proceeding, excepting the two persons who verified the interlocutions with Hall. It must not, however, be supposed that this course of proceeding was an instance of particular injustice in the case of Garnet. It was the ordinary course of procedure at that time in all prosecutions for offences against the state. Indeed, it is quite clear from contemporary

* Winwood's Memorials, vol. ii. p. 204.

writers that it was the usual practice in criminal trials, even by inferior tribunals, and for inferior crimes, to read in evidence for the prosecution the examinations and depositions previously taken before the justices of the peace.* It would be out of place here to discuss particularly the grounds and reasons of a practice so inconsistent with our notions of justice at the present day. But it may be stated generally that it probably arose from the original character of the trial by jury. In the rude infancy of the institution, the jury were witnesses, and as they were presumed to have full knowledge of the facts, no evidence whatever was produced before them. As population and civilization increased, the jury could not be certainly presumed to be acquainted with the facts, and it became necessary to produce evidence to inform them; "and the first evidence made use of in this way," says Mr. Reeves,† "consisted of written papers,—such as depositions, informations, and examinations taken out of court; and this led by degrees to a sparing use of *vivâ voce* testimony. It was long before they thought it necessary to bring evidence into court in support of the prosecution; and it was still longer before they allowed the prisoner to disprove the indictment by anything else than the oaths of the twelve *jurati*."

But although no particular injustice was done to Garnet by the mere fact of reading against him the evidence given by absent persons, he certainly suffered

* See Smith, De Republicâ Anglorum, lib. ii. cap. 23.

† History of the English Law, vol. ii. p. 269.

great wrong by the mode in which the documents were used. Many instances occur in which admissions which bore heavily against him were selected and read, while others in which the effect of those admissions was qualified and restricted were wholly suppressed. This mode of dealing with the statements of an accused person is pure and unmixed injustice. It is, in truth, a forgery of evidence; for when a qualified statement is made, the suppression of the qualification is obviously no less a forgery than if the whole statement had been fabricated. The practice appears to have prevailed to a most unjust extent in the *ore tenus* proceedings in the Star-Chamber, and may have been thence derived into state prosecutions in other courts. By the practice of that court, a party could not be prosecuted, *ore tenus*, by the Attorney-General, except upon his own voluntary confession; and where no confession could be obtained, the prosecution must proceed by the long process of information and answer, and the party accused was at liberty to produce evidence in his defence. "Therein," says Hudson, in his excellent Treatise on the Star-Chamber,* written in the reign of James I., "there is sometimes dangerous excess; for whereas the delinquent confessing the offence *sub modo*, the same is strained against him to his great disadvantage; sometimes many circumstances are pressed, and urged, and aggravated, which are not confessed by the delinquent;—which surely ought not to be: nothing ought to be urged but what he did

* Collectanea Juridica, vol. ii. p. 127.

freely confess in the same manner. And happy were it if these might be restrained within their limits, for that the course of proceeding is an exuberancy of prerogative, and therefore great reason to keep it within the circumference of its own orb."

Even in those days of the imperfect administration of justice, few men came to their trial under greater disadvantages than Garnet. He had been examined twenty-three times, as he states, "before the wisest of the realm," besides sundry less formal conferences with the Lieutenant of the Tower, which were all recorded against him with ready zeal. The King's humanity, or perhaps his timidity, had indeed saved him from actual torture; but the rack had been threatened by the Commissioners, and it appears from his letters that he was constantly in fear of it. He had literally been surrounded by snares; his confidential conferences with his friend had been insidiously overheard, and, as he said, misunderstood; and it is manifest that the listeners did not hear all, or nearly all that passed. His letters from the Tower had been intercepted, and were in the possession of his accusers, and artifices and threats, and false information, were alternately employed in order to delude or terrify him into confession. After six weeks' imprisonment, with a weak and decaying body, and with spirits broken by perpetual alarm and anxiety, he was suddenly taken from the solitude of his dungeon, to contend for his life, alone and unassisted, against the most subtle advocate of the time and before a crowd of prejudiced and partial auditors. When these dis-

advantages are duly considered, it must be confessed that Garnet played his part on the trial with intrepidity and presence of mind. He applied himself to the explanation of the facts objected to him with firmness and moderation; answering sedately and respectfully to the searching questions proposed by the Commissioners, and steadily maintaining the ground upon which he had rested his defence ever since the discoveries induced by means of his conferences with Hall. We search in vain, however, in his demeanour on the trial, as well as in his various letters and examinations, for proofs of that extraordinary intelligence and learning which are ascribed to him by Bellarmine and other writers of his own communion.

The formal charge against Garnet in the indictment.

Before proceeding to the discussion of the great general question involved in this case, it is right to examine the particular charge formally made against Garnet, and the mode in which the evidence was applied to it. The general point of treason charged in the indictment was that, on the 9th of June, 1605, in the parish of St. Michael, Queenhithe, he had, with Catesby and Greenway, compassed and imagined the death of the King, Queen, and Prince Henry; and the overt act laid was a consultation by him with Greenway and Catesby, on the same day, and at the same place, how to effect that treason, ending in a conclusion and agreement with them to effect it by blowing up the Parliament-House with gunpowder. There is some difficulty in ascertaining from the evidence the exact consultation to which this charge in

the indictment was intended to apply, but the date and the place assigned to it seem to make it sufficiently clear that it was pointed to the conversation in which Garnet admitted that Catesby had asked his opinion, in general terms, respecting the lawfulness of a design, in executing which it would be necessary, "together with many nocents, to destroy some innocents." The exact time and place, at which an offence is stated in an indictment to have been committed, are not indeed technically material, and were not considered to be so in the time of Lord Coke; but it has been always usual to state these particulars as nearly as possible according to the fact, and two hundred years ago accuracy in this respect was much more rigidly observed than at the present day. Now the only conference between Garnet, Greenway, and Catesby, to be traced in any of the examinations, to which the time and place mentioned in the indictment at all correspond, is that above alluded to, which Garnet says * took place "on the Saturday after the Utas (or Octave) of Corpus Christi, at his chamber in Thames Street, hard by Queenhithe." The Octave of Corpus Christi, in 1605, was the 8th of June, corresponding nearly to the day named in the indictment, and the situation of his chamber, as described by Garnet, was within the parish of St. Michael, and the ward of Queenhithe, precisely according with the formal description in the indictment. Under these circumstances, and as no allusion is made in any part

* Garnet's Examination, March 12th, 1605-6.—State-Paper Office.

of the proceedings to any other conference between these parties, about the same time, or at this place, there seems little reason to doubt that the conference mentioned in the indictment, as that at which Garnet had agreed with Greenway and Catesby to the Powder Plot, was the conversation at which Garnet had resolved Catesby's general question. The proposition, therefore, which Sir Edward Coke was bound to establish before the jury, as the overt act of treason laid in the indictment, was that at or before this conversation the scheme of the Powder Plot was disclosed to Garnet, and that his answer to Catesby's question was given with reference to that scheme. Upon this point there is no evidence but the admissions of Garnet himself; and, unfortunately, the Examinations of the 8th and 10th of March, which are referred to by several writers, as containing Garnet's statements on this subject, are not now extant. It is, however, abundantly clear that he did not, in those Examinations, state that at the time of the conversation with Catesby he knew of the Powder Plot, or that he was then informed of it by Catesby. This is indeed not asserted by Sir Edward Coke, or any other speaker, on the trial, and the whole course of the proceedings appears to negative it; for if Garnet had admitted this fact, it would have been obviously not only equivalent to a confession of the indictment, but would have amounted in effect to an avowal of his full participation in the Plot. On the other hand, he invariably asserted both in the Examinations, which

are still preserved, and also in his defence, and in his speech at the scaffold, that he first heard of the Plot from Greenway, about the 26th of July, 1605, and consequently six weeks after the day laid in the indictment. There was, therefore, no direct evidence to show that Garnet, at the time of the conversation charged in the indictment as an overt act of treason, was aware of the Powder Plot, or that Catesby's question was proposed in any other manner than in the general terms described by Garnet; and if the verdict of the Jury was to be strictly applied to the charge, there was nothing to warrant them in finding him guilty of that indictment.

But this, it may be justly said, is a narrow and technical view of the subject. The fair question for discussion is whether Garnet was privy to the Plot at an earlier period and, morally speaking, to a more criminal extent than he himself chose to avow;—in short, whether he encouraged the conspirators, and contributed his efforts to carry their undertaking to a successful conclusion. In truth, this ought to have been the only subject of dispute on the trial; for if Garnet merely knew of the Plot, and concealed it without approving or encouraging it, he was guilty of misprision of treason only; but if he not only concealed, but approved it, and assisted or encouraged the perpetrators, he was guilty of high treason. It was for the jury to decide, upon a consideration of all the circumstances of the case, and particularly of the admissions of the accused, which of these offences he had committed.

CHAPTER VIII.

Examination of Garnet after his Trial—His opinion on Equivocation—On the obligation of Laws—His opinion on these subjects disinclines the King to mercy—Deceit practised upon Garnet to procure admissions—His letter to Anne Vaux—His letter to the King—His letter to the Fathers and Brethren of his Order on Palm Sunday—His last letter to Anne Vaux—His last examination—His Execution.

Proceedings respecting Garnet after his Trial.

SEVERAL weeks elapsed after the condemnation of Garnet before it was thought proper to execute the sentence passed upon him. The object of this suspension of his fate is not precisely ascertained; possibly, as the examinations were industriously continued in the interval, it was expected by the Government that some more distinct admission of his participation in the Plot might be obtained from him. As to a direct acknowledgment of his guilt, there is no doubt that such an expectation, if entertained, was entirely disappointed; the Jesuit was consistent to the last in his statements respecting himself, and the share he had taken in the transaction. But the correspondence and conduct of Garnet, as well as his formal declarations subsequently to his trial, and the opinions which he therein avows, are most material for the solution of the great historical problem respecting the nature and

extent of his connexion with the designs and counsels of the conspirators. It will be necessary, therefore, to enter somewhat in detail into the relation of the occurrences of that period.

The examinations of Garnet subsequently to the trial were frequently directed to matters of jesuitical faith and doctrine, and in particular to his own sentiments respecting the obligation of human laws and equivocation. On these subjects he avowed opinions, which, although they were commonly maintained by the more rigorous Jesuits of that day, as inconsistent with all good government as they were contrary to sound morality. The Privy Council, both before and after his trial, required him from time to time to commit to writing, not only statements respecting his conduct, but also his opinions on various points of morality and religion. Many of these papers are still preserved at the State-Paper Office, and many more are mentioned, and partly abstracted, in the course of the controversy which took place a few years after his death.

Garnet's opinion on Equivocation.

Being, on one occasion before his trial, desired to declare his opinion respecting equivocation, he thus expresses himself in a paper, dated the 20th of March, 1605-6: "Concerning equivocation, this is my opinion: "in moral affairs, and in the common intercourse of "life, when the truth is asked amongst friends, it is "not lawful to use equivocation, for that would cause "great mischief in society—wherefore in such cases "there is no place for equivocation. But in cases "where it becomes necessary to an individual for his

"defence, or for avoiding any injustice or loss, or for "obtaining any important advantage, without danger "or mischief to any other person, there equivocation "is lawful." As an illustration of this doctrine, he then cites an instance of what he considers lawful equivocation, taken from the "Treatise of Equivocation." "Let us suppose," says he, "that I have "lately left London, where the plague is raging: and, "on arriving at Coventry, I am asked before I can be "admitted into the town, whether I come from London, "and am perhaps required to swear that I do not: "it would be lawful for me (being assured that I bring "no infection) to swear in such a case that I did not "come from London; for I put the case that it would "be very important for me to go into Coventry, and that "from my admittance no loss or damage could arise "to the inhabitants. There is no motive for the ques- "tion, except a desire to avoid the introduction of the "plague into Coventry; and if the inhabitants knew "for certain (as I know myself) that I am not infected "with the plague, they would at once admit me into "their city."*

In an Examination† taken after his trial, he goes a step farther and avows, "that in all cases where simple "equivocation was allowable it was lawful if necessary "to confirm it by an oath. This," says he, "I "acknowledge to be, according to my opinion, and

* This statement is taken from Casaubon's Letter to Fronto Ducæus. See "Treatise of Equivocation," p. 80, in which Garnet's illustration of the doctrine is given.

† Garnet's Examination, April 28th, 1606.—State-Paper Office.

"the opinion of the schoolmen; and our reason is, for "that in cases of lawful equivocation, the speech by "equivocation being saved from a lie, the same speech "may be without perjury confirmed by oath, or by "any other usual way, though it were by receiving "the sacrament, if just necessity so require."

In a Declaration,* in his own hand-writing, he thus reasons respecting the obligation of laws: "One "necessary condition required in every law is that "it be just; for, if this condition be wanting, that "the law be unjust, then is it, *ipso facto*, void "and of no force, neither hath it any power to oblige "any. And this is a maxim not only of divines, but "of Aristotle and all philosophers. Hereupon ensueth "that no power on earth can forbid or punish any "action, which we are bound unto by the law of God, "which is the true pattern of all justice; so that the "laws against recusants, against receiving of priests, "against mass, and other rites of Catholic religion, "are to be esteemed as no laws by such as stedfastly "believe these to be necessary observances of the true "religion. Likewise Almighty God hath absolute "right for to send his preachers of his gospel to any "place in the world; '*Euntes docete omne gentes.*' "So that the law against priests coming into the realm "sincerely to preach is no law; and those that are put "to death by virtue of that decree are verily martyrs, "because they die for the preaching of true religion. "Being asked what I meant by 'true treason,' I

* Garnet's Declaration, April 1st, 1606.

"answer, that is a true treason which is made treason "by any just law; and that is no treason at all which "is made treason by an unjust law." In the same paper he declares, respecting equivocation, that "All "the doctors that hold equivocation to be lawful, do "maintain that it is not lawful, when the examinate is "bound to tell the simple truth,—that is, according to "the civil law, when there is a competent judge, and "the cause subject to his jurisdiction, and sufficient "proofs. But in case of treason a man is bound to "confess of another, without any witness at all,—yea, "voluntarily to disclose it,—not so of himself. And "how far the common law bindeth in cases that are not "treason a man to confess of himself, I know not. In "the civil law it is sufficient to have *semiplenam* "*probationem*, that is, *unum testem omni exceptione* "*majorem*, or *manifesta indicia*. Our law I take "to be more mild, and that a man may put all to "witnesses, without confessing, except in cases of "treason. For according to our law *non pervertitur* "*judicium tacendo vel negando*, as in the civil law "where is required *reus confitens*. But generally, "where a man is bound to confess, there is no place "of equivocation. And when he is not bound to con- "fess according to the laws of each country, then he "may equivocate."

In making these avowals, Garnet seems to have forgotten his own position, and to have overlooked the object of those who were extracting them from him. The King and his advisers naturally applied these pro-

positions to his own exculpatory statements, as showing how little reliance could be placed upon the most solemn asseverations of a man whose opinions approved, and whose practice sanctioned, the violation of truth in all cases where, in his own fallible judgment, he was not morally or legally bound to accuse himself. It was perfectly clear, too, that these sentiments were not entertained by Garnet merely as abstract and speculative doctrines, but that he had practically applied them in the whole course of his conduct during the examination. He had denied all knowledge of the Plot until betrayed by the conferences with Hall; and he denied those conferences until he plainly perceived that he only injured himself by so doing; and when afterwards abashed and confounded at the clear discovery of his falsehood, he admitted to the Lords that "he had sinned unless equivocation could save him." From the beginning to the end of the inquiry, he had acted in strict consistency with the principles he now acknowledged, never confessing any fact until it was proved against him, and never hesitating to declare palpable falsehoods respecting matters which tended to inculpate himself, and to affirm them by the most solemn oaths and protestations.

The King was inclined to lenient measures. He had expressly forbidden the torture in Garnet's case, and had ordered him to be treated with mildness and forbearance. He asserts of his own disposition that he was "naturally averse from blood." Garnet's intimacy with some of the foreign ambassadors, and the interest

felt for him by several courts of Europe, may have alarmed his timidity; in addition to which, it has been suggested as not improbable that the doubtful nature of the evidence adduced on the trial, and the apparent candour of Garnet's defence, may have produced so favourable an impression on his mind as to induce him to hesitate respecting the execution of his sentence. But as his defence depended entirely upon his own assertions, Garnet's declaration of his principles must have tended to weaken that impression, by inducing reasonable doubts of his sincerity; and in this manner may possibly have determined his fate.*

As a means of arriving at the truth respecting

* The papers above cited were generally written with his own hand, and always signed by himself; and it is therefore fair to make him responsible for them. Less credit is, however, to be given to loose reports of expressions in conversation officiously forwarded by the Lieutenant of the Tower. No doubt any sentiment uttered by Garnet at this time, which was likely to influence the mind of the King against him, was zealously recorded and reported to the council; and the memorandum annexed to the following paper, by Sir William Waad, sufficiently denotes the object for which it was intended:—

"1 *Aprilis*, 1606.

"Garnet doth affirm, that if any man hath or should undertake to kill His Majesty (whom God preserve!), that he is not bound to confess it, though he be brought and examined before a lawful magistrate, unless there is proof to convince him.

"Exam. per W. G. WAAD,
WILLIAM LANE,
J. LOCHERSON."

"MEMORANDUM.—These words in the parentheses (whom God preserve!) were not spoken by Garnet, but added by us as fit in duty to be marked in so heinous a case: and I never heard him wish good wish to His Majesty since he came to the Tower."—State-Paper Office.

Garnet subsequently to his trial, attempts were made to circumvent him by giving him false information, which would necessarily excite great uneasiness in his mind, and induce him to attempt explanations of his conduct to his friends abroad. Opportunities for such communication were then insidiously thrown in his way, and the communications themselves were intercepted and brought to the Council. With a view to this scheme, he was told by the clergymen, who visited him in the Tower for this purpose, and by the Lieutenant, that great scandal had been occasioned amongst Catholics by the facts he had admitted upon his trial, insomuch that multitudes in consequence of his conduct in breaking the seal of confession, accusing Greenway, and acknowledging the Pope's breves, had forsaken the Roman Catholic church in disgust. They informed him also that Greenway had been taken, and was in the Tower. This information filled Garnet's mind with dismay. That Catholics should disapprove his conduct troubled him deeply; and he dreaded that further scandal would arise from the disclosures which Greenway might make. His whole defence had rested upon the assurance of Greenway's escape; and if that Jesuit were now taken and examined, he might give a totally different account of the transaction, and betray all. Under these apprehensions, he writes, on the 3rd of April, a letter to Anne Vaux, which was intercepted, and is still in existence. The first part of the letter*

* This letter and the subsequent Declaration are taken from the autographs in the State-Paper Office.

consists entirely of advice to herself respecting the best mode of disposing of herself after his death. He then proceeds as follows :—

"I understand by the doctors which were with me, "and by Mr. Lieutenant, that great scandal was taken "at my arraignment, and five hundred Catholics "turned Protestants; which, if it should be true, I "must think that many other Catholics are scanda- "lized at me also. I desire all to judge of me in "charity; for, I thank God most humbly, in all my "speeches and actions I have had a desire to do "nothing against the glory of God; and so I will "touch as near as I remember every point. I found "myself so touched by all that have gone before, but "especially by the testimony of two that did hear our "confessions and conferences, and misunderstand us, "that I thought it would make our actions much "more excusable to tell the truth than to stand to the "torture or trial by witnesses. I acknowledged that "Mr. Greenwell* only told me in confession; yet so "that I might reveal it if after I should be brought in "question for it. I also said that I thought he had it "in confession, so that he could reveal it to none but "to me; and so neither of us was bound or could "reveal it. I thought Mr. Greenwell was beyond sea, "and that he could have no harm; but if he be here, "in their fingers, I hope his charity is such that he "would be content to bear part with me. He was so

* Garnet usually gives Father Greenway this name.

" touched that my acknowledgments did rather excuse
" him; for I said, as it was true, that we both conspired
" to hinder it. And so I hope he did. For Bates's
" accusation is of no credit, he revealing confession if
" it were true. For matters of the Pope's authority, of
" *sigillum confessionis*, of equivocation, I spoke as
" moderately as I could, and as I thought I was bound;
" if any were scandalized thereat, it was not my fault
" but their own. The breves I thought necessary to
" acknowledge for many causes, especially Mr. Catesby
" having grounded himself thereon, and not on
" my advice. I remember nothing else that could
" scandalize. But I was *in medio illusorum*, and it
" may be Catholics may also think strange that we
" should be acquainted with such things, but who
" can hinder but he must know things sometimes
" which he would not? I never allowed it; I sought
" to hinder it more than men can imagine, as the
" Pope will tell; it was not my part, as I thought,
" to disclose it.

" I have written a detestation of that action for the
" King to see; and I acknowledge myself not to die a
" victorious martyr, but a penitent thief, as I hope I
" shall do; and so will I say at the execution, whatso-
" ever others have said or held before. Let everybody
" consider, if they had been twenty-three times exa-
" mined before the wisest of the realm, besides parti-
" cular conferences with Mr. Lieutenant, what he
" could have done under so many evidences. For the
" conspirators thought themselves sure, and used my

"name freely; though I protest none of them ever "told me of anything, yet have I hurt nobody."

On the following day he sent to the Council the declaration alluded to in the above letter as written for the King to see. It is as follows:—

4° *April.*

"I, Henry Garnet, of the Society of Jesus, Priest, "do here freely protest before God, that I hold the "late intention of the Powder action to have been "altogether unlawful and most horrible, as well in "respect of the injury and treason to his Majesty, the "Prince, and others that should have been sinfully "murdered at that time, as also in respect of infinite "other innocents, which should have been present. I "also protest that I was ever of opinion that it was "unlawful to attempt any violence against the King's "majesty and the estate after he was once received by "the realm. Also I acknowledge that I was bound to "reveal all knowledge that I had of this or any other "treason out of the sacrament of confession. And "whereas, partly upon hope of prevention, partly for "that I would not betray my friend, I did not reveal "the general knowledge of Mr. Catesby's intention "which I had by him, I do acknowledge myself "highly guilty, to have offended God, the King's "majesty and estate; and humbly ask of all forgive-"ness; exhorting all Catholics whatsoever, that they "no way build upon my example, but by prayer and "otherwise seek the peace of the realm, hoping in his

"Majesty's merciful disposition, that they shall enjoy "their wonted quietness, and not bear the burden of "mine or others' defaults or crimes. In testimony "whereof I have written this with my own hand.

"HENRY GARNET."

Both the above papers are still in existence at the State-Paper Office in Garnet's hand-writing; and no doubt can exist either as to their genuineness or their contents. They contain nothing positively inconsistent with Garnet's statement on the trial. Taken by themselves, indeed, they rather strengthen his defence; but it will be observed that he is careful to define exactly the extent of the admissions which he had made in his examinations, which might be for the information and guidance of Greenway, whom he supposed to be in custody, and thus to prevent contradiction in their statements. Moreover, the whole scope and object of the letter to Anne Vaux is to justify himself, not from the imputation of being in fact an accessory to the Plot, but from the accusation of weakness or treachery in having acknowledged so much as he had done, by showing that he had admitted no more, either against himself or Greenway, than had been previously proved beyond the possibility of contradiction.

On the 4th of April he also wrote a letter to Greenway, which, like the other papers written by him at this time, was intercepted. This letter is lost, and no copy of it has been discovered to be in existence. It is however repeatedly cited and fully abstracted

by Abbott, and is mentioned by Casaubon, both of whom certainly had it before them. From the extracts given from this paper by contemporary writers, it appears to have contained little more than an echo of the above letter to Anne Vaux. "I wrote yesterday," he says to Greenway, "a letter to the King, in which I avowed, as I do now, that I always condemned that intention of the Powder Plot; and I admitted that I might have revealed the general knowledge I had of it from Catesby out of confession, and should have done so if I had not relied upon the Pope's interference to prevent their design, and had not been unwilling to betray my friend; and in this I confessed that I had sinned both against God and the King, and prayed for pardon from both."*

Garnet, when afterwards examined respecting this letter to Greenway before the Commissioners, at first affirmed, "upon his priesthood, that he did never write any letter or letters, nor send any message to Greenway since he was at Coughton; and this he protested to be spoken without equivocation."† A few days afterwards, on being shown his letter to Greenway, and asked how he could justify this falsehood, he boldly replied, "that he had done nothing but that he might lawfully do, and that it was evil done of the Lords to ask that question of him, and to urge him upon his priesthood when they had his letters which he had written, for he never would have denied them if he had seen

* Abbott's Antilogia, p. 147.

† Garnet's Examination, April 25th, 1606.—State-Paper Office.

them; but supposing the Lords had not his letters, he did deny in such sort as he did the writing of any letter, which he might lawfully do."*

The doctrine that it is lawful to deny facts tending to the establishment of a criminal charge, until the offender is satisfied that they can be proved, adopted and justified by Garnet in the course of these proceedings, was by no means peculiar to him, but was commonly maintained by theologians of his persuasion. Soto, a learned Jesuit, in his treatise *De Ratione tegendi et detegendi secretum*, thus states the argument in its vindication: "It is unlawful for any man to kill himself; consequently, no man can be justified in doing anything to promote his own destruction. But he who confesses a crime to a magistrate, without which confession he could not be condemned to death, acts against his own life. Therefore in such a case no man is bound to confess the truth." Nor was Garnet singular in his practical application of the doctrine. Mr. Abington, who was imprisoned and examined respecting his knowledge of the Plot, and especially respecting his harbouring Garnet in his house at Hendlip, thus describes his own examination before the Council:— "My Lord Chief Justice fell in the end to two points: the one, if Mr. Tesmond ever moved me to join with Sir Everard Digby, Mr. Catesby, and Mr. Winter, and others, in open rebellion against the King; but that they could not prove. The other was, if I knew of Mr. Garnet's being in my house? I, confident that

* Garnet's Examination, April 28th, 1606.—State-Paper Office.

they would not confess anything against me, denied them both." So that Mr. Abington does not deny that both of these imputed facts were true, but says that neither of them could be proved against them, and therefore he denies them. He had good reason for his confidence in Garnet and Hall's silence respecting him, for he afterwards says "that it was mutually resolved by Garnet, Hall, and himself, that if those two were ever taken in his house they should absolutely renounce all knowledge and acquaintance one with another."*

On the same day on which his letter to Greenway was sent, Garnet was again examined.† Previously to the examination he had been falsely informed, as above stated, that Greenway had been taken, and had declared that he had communicated the matter to Garnet out of confession. He was then seriously charged to "affirm sincerely whether he had really received the matter at first from Greenway in confession?" He answered, "Greenway and I were walking to and fro, when he told me the whole matter under what I understood to be the greater seal of confession, though he perhaps may have intended the lesser seal." Two days after this examination, Garnet wrote another letter to the King, dated April 6, in which he says "that he cannot for certain affirm that Greenway's intention was to communicate the matter to him in confession, and it might be that this was not his

* Dr. Williams's Vindication of his History of the Powder Treason; citing Mr. Abington's Autograph.

† Tortura Torti, p. 285, citing *Autogr. April* 4.

intention, but that he always supposed that his intention was as he had before related." He added that "perhaps Greenway did not understand so well as he did what was the extent of the bond of confession; but that, at all events, he always understood the communication to be made with reference to confession, but so that he might reveal it to his Superior, if questioned."*

Garnet's Letter to the Fathers and Brethren of the Society of Jesus.

But a much more important paper than either of these was a letter addressed by Garnet, '*Dilectissimis Patribus et Fratribus meis*,' 'To his beloved Fathers and Brethren,' and dated on Palm-Sunday (April 13). This paper is also unfortunately lost; but copious extracts from it are contained in Abbott's Antilogia. From these extracts, and also from the quotations given in Casaubon's Letter to Fronto Ducæus,† and in Bishop Andrews's Tortura Torti, it appears that it was written by Garnet with the same view as the letters to Mrs. Vaux and Greenway—namely, to remove from the minds of the English Roman Catholics an unfavourable impression which he was told had arisen against him in consequence of his having accused Greenway, and confessed his own knowledge of the Plot. "I acknowledged my own privity," says he, "because all who had gone before me had accused me, Catesby having used my name freely in order to persuade others, and I was therefore thought much more guilty than I really was; so that my confession

* Abbott's Antilogia, p. 140, citing *Garneti Autogr. ad Regem, April* 6.

† Page 99.

did much rather excuse me and my friends than otherwise; and also most chiefly because, while Hall and I had divers conferences at our two doors in the Tower, two witnesses placed at a third door did overhear us. Moreover, certain letters of mine to Mrs. Anne (Vaux), written with orange-juice, were intercepted by some perfidy, and thus occasion had been taken against me, though without reason. Wherefore I was perforce compelled to confess my knowledge; nor would it have been prudent against the clearest proof to have suffered torture, which I thank God I could have borne for a better cause. I was also compelled to name Greenway, which I should never have done if I had not heard for certain from a friend that he was safe beyond sea. If I had not thought so I must have devised some other formal story. But as the matter stood, this was absolutely necessary:—in the first place, because I could not say that I had my knowledge from any of the conspirators, as this would have been contrary to my most sacred protestations made in writing to all Catholics, and verbally to the Council; and secondly, because I saw Greenway no less charged than myself with divers confessions of other persons, and the Commissioners even wished that they had him to deal with instead of me."

By Eudæmon-Joannes, and also by modern Roman Catholic writers, this letter has been pronounced to be a forgery;* but this assertion must be considered as a

* In the earlier editions of his History, Dr. Lingard unhesitatingly adopts this opinion, and declares the letter to be "wholly unworthy of

mere *gratis dictum*, urged in order to remove a pressing difficulty, and wholly unsupported by evidence or sound argument. And although the paper, when combined with other circumstances, furnishes a strong argument against Garnet's innocence, it is not in itself so conclusive and convincing a proof of his guilt as a forger would probably have fabricated. From the loss of the original document, it is no doubt open to the imputation of being merely a fragment, and of having been unfairly or inaccurately abstracted; but with respect to this objection, a comparison of Dr. Abbott's extracts from other documents of a similar kind with the originals will show that they at least are fairly extracted and faithfully translated, and there seems no reason why a different mode of proceeding should have been adopted with this particular paper. Besides, the letter of April 3rd to Anne Vaux, which contains nearly the same admissions, is still extant.

A few days before Garnet's execution, several divines of the English Protestant Church visited him in the Tower, for the alleged purpose of giving him such spiritual assistance as his situation required, but really perhaps by the direction of the King, in order to draw from him further information respecting the faith and doctrine of the Jesuits. Among other persons present

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credit." In his fourth edition, however, he appears to have altered his former views, and to admit the genuineness of the letter, although he insinuates that the effect and meaning of the original may have been materially varied in the translations of it given by contemporary writers. See Lingard's History, vol. ix. note D.

on this occasion were Dr. James Montague, the Dean of the Chapel Royal; Dr. Neile, one of the King's Chaplains and Dean of Westminster; and Dr. John Overall, Dean of St. Paul's, all of them clergymen of distinguished learning and piety.* After conversing at length with him upon several points of doctrine, one of the visitors asked him, "Whether he conceived that the Church of Rome, after his death, would declare him a martyr; and whether, as a matter of opinion and doctrine, he thought the Church would be right in doing so, and that he should in that case

* Dr. Montague was made Dean of the Chapel Royal immediately upon James's accession, and was afterwards successively Bishop of Bath and Wells and of Winchester. "Dr. Richard Neile," says Anthony Wood (*Fasti. Oxon.* i. p. 287), "was one who passed through all degrees and orders in the Church of England, and was thereby made acquainted with the inconveniences and distresses incident to all conditions. He served the church as schoolmaster, curate, vicar, parson, master of the Savoy, Dean of Westminster in the place of Launcelot Andrews, promoted to the see of Chichester (in which dignity he was installed November 5th, 1605), Clerk to the Closet to both kings James I. and Charles I. successively, Bishop of Rochester 1608 (with which he kept his deanery *in commendam*), Lichfield and Coventry two years after, Lincoln 1613, Durham 1617, Winchester 1628, and lastly, in 1631, Archbishop of York, in which honour he died October 31st, 1640, and was buried in St. Peter's church in Westminster. He was born of honest parents in King Street, in the city of Westminster, his father being a tallow-chandler." Dr. John Overall was created Dean of St. Paul's soon after James's accession; and about the same time was appointed Regius Professor of Divinity in the University of Cambridge: he was afterwards Bishop of Lichfield and Coventry, from which see he was translated to Norwich. He died in 1619. Dr. Overall was a learned and enlightened theologian, an excellent scholar, and singularly liberal for the times in which he lived. He was the intimate friend of Grotius, among whose correspondence many letters from Overall are found. He took a leading part in the translation of the Bible at the commencement of James's reign.

really become a true martyr?" Upon this Garnet exclaimed, with a deep sigh, "I a martyr? Oh what a martyr should I be! God forbid! If, indeed, I were really about to suffer death for the sake of the Catholic religion, and if I had never known of this project except by the means of sacramental confession, I might perhaps be accounted worthy of the honour of martyrdom, and might deservedly be glorified in the opinion of the Church; as it is, I acknowledge myself to have sinned in this respect, and deny not the justice of the sentence passed upon me." "Would to God," he added, "that I could recall that which has been done! Would to God that anything had happened rather than that this stain of treason should attach to my name! I know that my offence is most grievous, though I have confidence in Christ to pardon me on my hearty penitence; but I would give the whole world, if I possessed it, to be able to die without the weight of this sin upon my soul."*

The confusion and distress of Garnet's mind at this

* This anecdote is related in the Letter to Fronto Ducæus, p. 163, by Casaubon, who says that Dr. Overall, the Dean of St. Paul's, first related it to him, and that on his mentioning it to the Bishop of Bath and Wells and the Bishop of Lichfield, they fully confirmed it. It is also related by Dr. Abbott, in his Antilogia, p. 148. That a conversation of the kind occurred is clear from Garnet's Letter to the Fathers and Brethren, on Palm-Sunday, above cited, in which he says, "Three deans have been with me, who gave me good counsel about contrition, confession, and satisfaction. I told them I should not be found wanting as to any of those matters; but that I could not converse with them about them, because it was unlawful for me to do so. They asked me whether I thought that I should die a martyr? I answered, No, but a penitent thief, which I had before said to Mr. Attorney."

time, under the pressure of various kinds which had been applied to it, appears from the following confused communication* to Anne Vaux, which is supposed to have been the last letter written by him to her :—

" It pleaseth God daily to multiply my crosses. I " beseech him give me patience and perseverance " *usque in finem.* I was, after a week's hiding, taken " in a friend's house, where our confessions and secret " conferences were heard, and my letters taken by " some indiscretion abroad ;—then the taking of your- " self ;—after, my arraignment ;—then the taking of " Mr. Greenwell ;—then the slander of us both abroad ; " —then the ransacking anew of Erith and the other " house ;—then the execution of Mr. Hall ;—and now, " last of all, the apprehension of Richard and Robert ; " with a cipher, I know not of whose, laid to my " charge, and that which was a singular oversight, a " letter in cipher, together with the ciphers ; which " letter may bring many into question.

" *Suffer etiam hos ; audistis et finem Domini vi-* " *distis ; quemadmodum misericors Dominus est et* " *miserator. Sit nomen Domini benedictum.*

" Your's, *in æternum*, as I hope,

" H. G.

" 21° Apr.

" I thought verily my chamber in Thames Street " had been given over, and therefore I used it to " save Erith ; but I might have done otherwise."

The last formal examination of Garnet before the

* State-Paper Office.

Commissioners took place on the 25th of April, about a week before his execution. On this occasion "being demanded upon his priesthood to affirm sincerely, notwithstanding any thing heretofore said, whether he took Greenway's discovery to be in confession or no? He answered, that it was not in confession, but by way of confession; which may be done in conference of great points, or need of study, or want of time though it be a good while after." "Being asked, how often they conferred of this? He said, so often as they met he would ask, being careful of the matter; but new question he did ask him none." "Being asked, upon his priesthood, whether he did burn the Pope's breves or no? He answered, that according to his remembrance they were assuredly burned with his own hands, either at Erith or Coughton." "Being asked, whether he had not conference with Greenway about some man to be reserved to be Protector? He answered, that in general he did ask such a question; who answered, that that was to be referred until the blow was passed, and then the Protector to be chosen out of the noblemen that should be saved." *

Garnet's execution determined on.

At length, when the scruples of the King were overcome, or when the Lords of the Council were satisfied that no further discoveries of importance could be obtained from Garnet, the warrant for his execution was signed. The 1st of May had been originally appointed for the day of his execution. "It was looked yesterday," says Sir Dudley Carleton, in a

* Garnet's Examination, April 25th, 1606. State-Paper Office.

letter* to Chamberlaine, dated the 2nd May, 1606, "that Garnet should have come *a-maying* to the gallows, which was set up for him in Paul's Churchyard on Wednesday; but upon better advice his execution is put off till to-morrow, for fear of disorder among prentices and others in a day of such misrule. The news of his death was sent to him upon Monday by Dr. Abbott,† which he could hardly be persuaded to believe, having conceived great hope of grace by some good words and promises he said were made him, and by the Spanish ambassador's mediation, who he thought would have spoken to the King for him. He hath been since often visited and examined by the Attorney, who finds him shifting and faltering in all his answers; and it is looked he will equivocate at the gallows; but he will be hanged without equivocation, though yet some think he should have favour upon a petitionary letter he hath sent to the King."

Carleton's information, or his prophecy was accurate, for on the following day Garnet was brought to the scaffold and executed, in pursuance of his sentence.

In cases of doubtful evidence, a true account of the conduct and language of a criminal in his last moments is always interesting, and often affords indications of facts bearing upon the question of his guilt or innocence. It is true, that the statements made at such a

* State-Paper Office.

† It is uncertain whether this was Dr. George Abbott, afterwards Archbishop of Canterbury, or Dr. Robert Abbott, his brother, the author of the 'Antilogia,' who was at this time one of the King's chaplains, and afterwards Bishop of Salisbury.

time are to be received with much caution. The immediate prospect of death does not necessarily impel the sufferer to speak the truth, though it removes the most common motives to falsehood; and there are many well-authenticated instances of persons, who, influenced still by the passions, hopes, and fears of their previous lives, have uttered manifest untruths upon the scaffold, and (to use a vulgar phrase) have quitted the world with a lie in their mouths. The more common case is, however, for offenders to admit their guilt in effect, and to attempt in their last moments to give a favourable colouring to the part they have taken in the particular transaction for which they are to suffer, the main features of which they do not attempt to deny. With this object they either describe their companions to have been more actively criminal than themselves, or they impute misconduct to their accusers, or they mitigate and justify the motives ascribed to themselves, and thus attempt to cover the naked wickedness of their own actions. This flimsy veil is, however, easily seen through; and it is by no means uncommon to discover, among the petty artifices used on these occasions, with the view of improving the complexion of criminal acts, the most convincing proofs of the guilt of the offender. At all events, it is most satisfactory, where any doubt exists respecting facts, to possess a faithful narrative of the conduct of a criminal after his condemnation; if the evidence of his behaviour and conversation, before conviction, has a material bearing upon the question of

his guilt or innocence, it must be much more important when most of the motives to falsehood have vanished with the hope of life, and when the immediate approach of death, and the apprehension of its unknown consequences, may well induce a frame of mind favourable to the confession of truth.

Unfortunately, in ancient times, this advantage was seldom to be attained; there was usually a political end, wholly independent of the legitimate objects of criminal punishment, to be obtained by an execution for a state offence. With this view, the suppression of truth was often more important than its discovery, and, in such cases, executions were so contrived that no inconvenient disclosures should be made to the people. Particular persons connected with the court were directed to attend, who were placed near enough to hear and see all that passed, whilst to the multitude at large the whole spectacle was, for the most part, a piece of dumb show. Such an account of the proceeding was then published as suited the objects of the government, without fear of any contradiction.

The same course which had been adopted at the executions of Norfolk, Essex, and several other individuals, whose fate excited a strong popular interest, was followed at that of Garnet. The Deans of Winchester and St. Paul's were directed to attend, and the Recorder of London, Sir Henry Montague, * was

* He was afterwards Chief Justice of the King's Bench, and in 1626 was created Earl of Manchester. The Recorder was brother to Dr. James Montague, the Dean of Westminster.

specially authorised by the King to be present, and to put certain questions to the prisoner. Under these circumstances, the relation of the execution, afterwards published by authority, and circulated with the garbled report of the trial, cannot be supposed to be impartial or accurate. The account given by Dr. Abbott in his "Antilogia," though it corresponds in most particulars with the narrative commonly published with the trial, is rather more complete and temperate, the substance of it is therefore inserted here in preference to the more commonly-received narration.

Garnet's Execution.

On the 3d day of May, 1606, Garnet was drawn upon a hurdle, according to the usual practice, to a place of execution prepared in St. Paul's Churchyard. The Recorder of London, the Dean of St. Paul's, and the Dean of Winchester, were present by the command of the King; the former in the King's name, and the two latter in the name of God and Christ, to assist Garnet with such advice as suited the condition of a dying man. As soon as he had ascended the scaffold, which was much elevated in order that the people might behold the spectacle, Garnet saluted the Recorder somewhat familiarly, who told him that "it was expected from him that he should publicly deliver his real opinion respecting the conspiracy and treason—that it was now of no use to dissemble, as all was clearly and manifestly proved; but that if, in the true spirit of repentance, he was willing to satisfy the Christian world by declaring his hearty compunction, he might freely state what he pleased." The Deans

then told him, "that they were present on that occasion by authority, in order to suggest to him such matters as might be useful for his soul; that they desired to do this without offence, and exhorted him to prepare and settle himself for another world, and to commence his reconciliation with God by a sincere and saving repentance." To this exhortation, Garnet replied, "that he had already done so, and that he had before satisfied himself in this respect." The clergymen then suggested that "he would do well to declare his mind to the people." Then Garnet said to those near him, "I always disapproved of tumults and seditions against the King; and if this crime of the Powder Treason had been completed, I should have abhorred it with my whole soul and conscience." They then advised him to declare as much to the people. "I am very weak," said he, "and my voice fails me; if I should speak to the people, I cannot make them hear me; it is impossible that they should hear me." Then said Mr. Recorder, "Mr. Garnet, if you will come with me, I will take care that they shall hear you;" and going before him, led him to the western end of the scaffold. He still hesitated to address the people, but the Recorder urged him to speak his mind freely, promising to repeat his words aloud to the multitude. Garnet then addressed the crowd as follows: "My good fellow-citizens, I am come hither on the Morrow of the Invention of the Holy Cross, to see an end of all my pains and troubles in this world. I here declare before you all, that

I consider the late treason and conspiracy against the state to be cruel and detestable: and, for my part, all designs and endeavours against the King were ever misliked by me; and if this attempt had been perfected as it was designed, I think it would have been altogether damnable: and I pray for all prosperity to the King, the Queen, and the Royal Family." Here he paused, and the Recorder then reminded him to "ask pardon of the King for that which he had attempted." "I do so," said Garnet, "as far as I have sinned against him; namely, in that I did not reveal that whereof I had a general knowledge from Mr. Catesby—but not otherwise." Then said the Dean of Winchester, "Mr. Garnet, I pray you deal clearly in this matter; you were certainly privy to the whole business." "God forbid!" said Garnet, "I never understood any thing of the design of blowing up of the Parliament-House." "Nay," replied the Dean of Winchester, "it is manifest that all the particulars were known to you, and you have declared under your own hand that Greenway told you all the circumstances in Essex." "That," said Garnet, "was in secret confession, which I could by no means reveal." Then said the Dean, "You have yourself, Mr. Garnet, almost acknowledged that this was only a pretence; for you have openly confessed that Greenway told you not in confession, but by way of confession, and that he came of purpose to you with the design of making a confession; but you answered that it was not necessary that you should know the full extent of his know-

ledge." The Dean further reminded him that "he had affirmed under his own hand that this was not told him by way of confessing a sin, but by way of conference and consultation; and that Greenway and Catesby both came to confer with him upon that business; and that as often as he saw Greenway he would ask him about that business because it troubled him." "Most certainly," said Garnet, "I did so in order to prevent it, for I always misliked it." Then said the Dean, "You only withheld your approbation till the Pope had given his opinion." "But I was well persuaded," said Garnet, "that the Pope would never approve the design." "Your intention," said the Dean of Winchester, "was clear from those two breves which you received from Rome for the exclusion of the King." "That," said Garnet, "was before the King came in." "But if you knew nothing of the particulars of the business," said the Dean of Winchester, "why did you send Baynham to inform the Pope? for this also you have confessed in your examinations." Garnet replied, "I have already answered to all these matters on my trial, and I acknowledge every thing that is contained in my written confessions."

The Recorder here interposed, and reminded Garnet, with respect to his assertion that he had only a general knowledge of the Plot from Catesby, that the following four points were expressly acknowledged by himself in writing, and that his confessions to that purpose were in the King's hands.

1. That Greenway had confessed the matter to him not as a sin, but for the sake of advice.

2. That Catesby and Greenway had come together to him to obtain his advice.

3. That Greenway long afterwards had a conference with him in Essex, concerning the particulars of the Powder Plot.

4. That Greenway, being asked by himself, who should be the Protector after the crime was committed, answered, that this matter was referred till after the Plot should have taken effect.

The Recorder then produced the several papers, in which Garnet had expressly admitted these matters. The King had arranged this, in order that if Garnet should, after all his previous confessions, return to a denial of his guilt on the scaffold, the means of convicting him by his own testimony might be at hand. As soon as the Recorder began to produce the papers, Garnet, being unwilling to have his confessions publicly read, told him "That he might spare himself that trouble; that he readily acknowledged whatever he had signed with his hand to be true; and that, inasmuch as he had not declared the knowledge of the Plot which had been generally imparted to him, he owned himself to be justly condemned, and asked pardon of the King." Then turning his discourse again to the people, at the instance of the Recorder, he proceeded to the same effect as before, declaring, "That he wholly misliked that cruel and inhuman design, and that he had never sanctioned or approved

of any such attempts against the King and State; and that this project, if it had succeeded, would have been in his mind most damnable." The whole of this was repeated by the Recorder in a louder voice to the people, so that those might hear who, by reason of the distance, could not have heard Garnet's voice. Garnet then, in a few words, denied emphatically the scandalous reports which had been circulated respecting the intercourse between him and Anne Vaux.

After he had finished speaking, he turned towards the gallows, and having asked the Recorder how much time would be given him for prayer, he received for answer that he might limit his own time in this respect, and that no one should interrupt him. He then kneeled down at the foot of the ladder, but conducted his devotions very coldly, and seemed to be unable to apply himself steadily and piously to prayer. Indeed so little affected was he in praying, that he looked round from time to time, and listened to what was said by the attendants, sometimes even answering to what they said; so that he appeared to mutter his prayers more for form and appearance than from any devotion of mind. When he had arisen from his knees, and was about to put off his clothes, the Recorder again addressed him, saying, "That he feared he was about to make his end as his life had been, his main object being still to attempt to extenuate his crime by deceit and duplicity." One of those standing near him then asked him, "Whether he still held the same opinion as he had formerly ex-

pressed about equivocation, and whether he thought it lawful to equivocate at the point of death?" He refused to give an opinion at that time; and the Dean of St. Paul's sharply inveighing against equivocation, and saying that doctrine of that kind was the parent of all such impious treasons and designs as those for which he suffered, Garnet said, "that he had elsewhere declared his opinion how and when equivocation was lawful, and that he should, at any rate, use no equivocation now." The Dean rejoined, "But you have recorded strange doctrines on that subject in your written confessions." "In those confessions," said Garnet, "I have stated my real opinions, and to them I refer you." The Recorder then assured him, as he seemed still to entertain some hope of life, "that there was now no hope of pardon for him, and that it therefore behoved him to declare any thing within his knowledge, which might be useful to the state; and at all events, that it was desirable that he should declare to the people, whether he was satisfied of the justice of his condemnation." Garnet answered that he had nothing further to confess, but that he was esteemed more guilty than he really was, inasmuch as he was not the author or contriver of the plot. When he had undressed himself to his shirt, he said, with a low voice, to those who stood nearest to him, "There is no salvation for you, unless you hold the Catholic faith." They answered, "We doubt not that we do hold the Catholic faith." "But," said he, "the only Catholic faith is that professed by the Church of Rome." They

replied, "that upon this matter he was altogether in error." He then ascended the ladder, and when he had entirely undressed himself, he requested the executioner to give him notice before he threw him off. He then addressed the people in the following words:—"I commend myself to all good Catholics. I am grieved that I have offended the King by not revealing the design entertained against him, and that I did not use more diligence in preventing the execution of the Plot. Moreover, I pray God to bless the King's Majesty, with the Queen, and all their posterity, and grant him long to live and reign. I commend myself also most humbly to the Lords of His Majesty's Council, and beseech them not to judge hardly of me. I am sorry that I dissembled with them, and that I did not declare the truth until it was proved against me; but I did not think they had such sure proofs against me till they shewed them to me. As soon as I perceived this, I thought it most becoming to confess, but in the absence of clear proofs against me, it would have been unlawful for me to have accused myself. As to my brother Greenway, I wish the truth respecting him were known. I would never have charged him, if I had not believed him to be beyond the sea. But it seemed right to me to confess the truth, which I wish he had done also, that false rumours might not make both of us appear more criminal than we really are. I beseech all men that Catholics may not fare the worse for my sake, and I exhort all Catholics to take care not to mix themselves with seditious or traitorous designs

against the King." Having thus spoken, he raised his hands and made the sign of the cross upon his forehead and breast, saying, "*In nomine Patris, Filii, et Spiritus sancti! Jesus Maria! Maria, mater gratiæ! mater misericordiæ! Tu me ab hoste protege, et horâ mortis suscipe!*" Then he said, "*In manus tuas Domine, commendo spiritum meum, quia tu redemisti me Domine, Deus veritatis!*" Then again crossing himself he said, "*Per crucis hoc signum fugiat procul omne malignum! Infige crucem tuam, Domine, in corde meo;*" and again, "*Jesus Maria! Maria mater gratiæ!*" In the midst of these prayers the ladder was drawn away, and, by the express command of the King, he remained hanging from the gallows until he was quite dead.

Account of the Miracle of Garnet's Straw.

After the execution of Garnet and Hall, the most absurd tales of miracles performed, in vindication of their innocence, and in honour of their martyrdom, were industriously circulated by the Jesuits in England and in foreign countries. Thus it was said,—and the story is repeated by Father More, in his history of the Jesuits,* by Ribadeneira in his Catalogue of Martyrs, and other Roman Catholic historians,—that after Hall had been embowelled, according to the usual sentence in cases of treason, his entrails continued burning sixteen successive days, though great quantities of water were poured upon them to extinguish the flames;—the sixteen days denoting the number of years that he laboured in propagating the Roman Catholic religion in England. Father More also relates, that from that par-

* Mori Hist. Soc. Jesu, p. 335.

ticular spot, on the lawn at Hendlip, where Garnet and Hall last set their feet before their removal, "a new and hitherto unknown species of grass grew up into the exact shape of an imperial crown, and remained for a long time without being trodden down by the feet of passengers, or eaten up by the cattle." It was asserted too, that, immediately after Garnet's execution, a spring of oil suddenly burst forth at the western end of St. Paul's, on the spot where the saint was martyred.*

But among these absurd illustrations of the superstition and credulity of the times, the miracle of Garnet's Straw was chiefly insisted upon as a supernatural confirmation of the Jesuit's innocence and martyrdom. It is related at great length, and with a full detail of circumstances, by Eudæmon-Joannes, by Father More, and almost all the earlier historians of the English mission. In Spain, a "Ballad of the Death of Father Garnet," with the legend and figure of the miraculous straw, was circulated generally through the provinces, and excited so much attention that the English ambassador was directed by James to require its suppression by the Spanish government.†

Wilkinson's story of the origin of the Miracle.

The original fabricator of the miracle of the straw was one John Wilkinson, a young Roman Catholic, who, at the time of Garnet's trial and execution was about to pass over into France, to commence his studies at the Jesuits' college at St. Omers. Some time after his arrival there, Wilkinson was attacked by

* Bishop Hall's Sermon before the King, Sept. 19th, 1624.

† Winwood's Memorials, vol. ii. p. 336.

a dangerous disease, from which there was no hope of his recovery; and while in this state he gave utterance to the story, which Eudæmon-Joannes relates in his own words, as follows:—"The day before Father Garnet's execution, my mind was suddenly impressed (as by some external impulse) with a strong desire to witness his death, and bring home with me some relique of him. I had at that time conceived so certain a persuasion that my desire would be gratified, that I did not for a moment doubt that I should witness some immediate testimony from God in favour of the innocence of his saint; though as often as the idea occurred to my mind, I endeavoured to drive it away, that I might not vainly appear to tempt Providence by looking for a miracle where it was not necessarily to be expected. Early the next morning I betook myself to the place of execution, and, arriving there before any other person, stationed myself close to the scaffold, though I was afterwards somewhat forced from my position as the crowd increased." Having then described the details of the execution, he proceeds thus:—"Garnet's limbs having been divided into four parts, and placed together with the head in a basket, in order that they might be exhibited according to law in some conspicuous place, the crowd began to disperse. I then again approached close to the scaffold, and stood between the cart and the place of execution; and as I lingered in that situation, still burning with the desire of bearing away some relique, that miraculous ear of straw, since so highly celebrated, came, I know not

how, into my hand. A considerable quantity of dry straw had been thrown with Garnet's head and quarters from the scaffold into the basket; but whether this ear came into my hand from the scaffold or from the basket, I cannot venture to affirm; this only I can truly say, that a straw of this kind was thrown towards me before it had touched the ground. This straw I afterwards delivered to Mrs. N., a matron of singular Catholic piety, who inclosed it in a bottle, which being rather shorter than the straw, it became slightly bent. A few days afterwards Mrs. N. showed the straw in the bottle to a certain noble person, her intimate acquaintance, who, looking at it attentively, at length said, 'I can see nothing in it but a man's face.' Mrs. N. and myself being astonished at this unexpected exclamation, again and again examined the ear of the straw, and distinctly perceived in it a human countenance, which others also coming in as casual spectators, or expressly called by us as witnesses, likewise beheld at that time. This is, as God knoweth, the true history of Father Garnet's Straw."

Such is Wilkinson's circumstantial account of the miracle. In those days of ignorance and superstition, when the public mind was in a state of great excitement respecting Garnet, it was a story well calculated to attract attention. Among the lower orders of the people, in particular, the prodigy was circulated with much diligence, and believed with implicit confidence; while the higher class of Roman Catholics who knew better, or ought to have known better, chose to foster

the delusion. The story, which was originally confined to the vulgar, gained ground by frequent repetition, until at last, and within a year from the time of Garnet's death, by that love of the wonderful, and that tendency to exaggeration, which are the natural results of popular ignorance, it was declared, and currently believed, by Roman Catholics both in England and abroad, that an undoubted sign from heaven had been given for the establishment of Garnet's innocence. Crowds of persons of all ranks daily flocked to see the miraculous straw. The Spanish ambassador saw and believed; and the ambassador from the Archduke, not only saw at the time, but long afterwards testified what he had seen by a written certificate, which is published *verbatim* by Father More.* In process of time the success of the imposture encouraged those who contrived it, or who had an interest in upholding it, to add considerably to the miracle as it was at first promulgated. Wilkinson, and the original observers of the prodigy, merely represented that the appearance of a face was shown on so diminutive a scale, upon the husk or sheath of a single grain, as scarcely to be visible unless specifically pointed out; but a much more imposing image was afterwards discovered. Two faces appeared upon the middle part of the straw, both surrounded with rays of glory; the head of the principal figure, which represented Garnet, was encircled with a martyr's crown, and the face of a cherub appeared in the midst of his beard. In this improved

* More's Hist. Soc. Jesu, p. 330.

state of the miracle, the story was circulated in England, and excited universal attention; and thus depicted, the miraculous straw became generally known throughout the Christian world. "I had thought" (says Bishop Hall, in a contemporary letter, alluding to the "noise which Garnet's straw had made")—"I had thought that our age had too many grey hairs, and with time, experience, and with experience, craft, not to have descried a juggler: but now I see by its simplicity it declines to its second childhood. I only wonder how Fawkes and Catesby escaped the honour of saints and privilege of miracles."

Such, however, was the extent to which this ridiculous fable was believed, and so great was the scandal which it occasioned among the Protestants, that Archbishop Bancroft was commissioned by the Privy Council to call before him such persons as had been most active in propagating it, and, if possible, to detect and punish the impostors.

Formal inquiry by the Archbishop of Canterbury.

The archbishop commenced the inquiry in November, 1606, and a great number of persons were examined; but as Wilkinson, who was supposed to be the chief impostor, was abroad, and as the inquiry completely exposed the fraud, though the hand that effected it remained undiscovered, no proceedings seem to have been taken to punish the parties concerned in it. It appeared upon this inquiry, that "Mrs. N., the matron of singular Catholic piety," mentioned with so much parade in the declaration made by Wilkinson at St. Omers, was the wife of one Hugh Griffiths, a

tailor, with whom Wilkinson lodged; and the "noble person, her intimate acquaintance," who was supposed to have first seen the face of Garnet in the straw, turned out to be a footman named Laithwaite, in the service of a lady of quality. Griffiths and Laithwaite were separately examined by the archbishop, and varied materially in their accounts of the discovery. The tailor, in his first examination, on November 27th, 1606, stated that "Wilkinson had brought home the straw from Garnet's execution, and given it to him, and that he had delivered it to his wife, charging her to take great care of it, and to enclose it in something which might prevent the spots of blood upon it from becoming effaced." He further stated, that his wife, with the assistance of Wilkinson, inclosed it in a glass bottle. He at first said that this was done about nine or ten days after Garnet's execution; but in a subsequent examination he corrected himself, saying that, upon consideration, he recollected that it was done on the very day on which the execution took place; but that, as Wilkinson lodged in the house for seven weeks afterwards, he might have subsequently had it in his possession. At the time of the inclosure of the straw in the bottle, and for some time afterwards, he said nothing was seen of the face. Griffiths then went on to depose, "That about the 18th of September, nearly five months after Garnet's death, he was looking attentively at the ear of straw (which he gives no reason for not having done before, except that he had not leisure), and thought he perceived a face depicted on it, which he immediately pointed out to his wife and one Thomas

Laithwaite, then present." Laithwaite was then examined, who contradicted Griffiths materially, inasmuch as he claimed for himself the honour of having made the first discovery, which was indeed originally ascribed to him by Wilkinson. "I was one day sitting," says Laithwaite,* "by the fire in Griffiths' house, and looking intently at the straw, when I thought I saw a man's head upon it. The day was dark and cloudy, so that, as I sat in the inner part of the room, the appearance was not very distinct; for which reason I took it to the window, where I discerned the face beyond all doubt. Mrs. Griffiths wondered why I examined the bottle so industriously; upon which I pointed out the face to her, and afterwards to her husband and to Wilkinson. It was visible to all three of them, and all of them declared that they had never seen it before." Previously to the institution of this inquiry, the straw had been withdrawn or destroyed; but several persons were examined by the Archbishop of Canterbury who had repeatedly seen it, and were therefore fully capable of describing it. Among these, one Robert Barnes, a gentleman of Cambridgeshire, declared,† "that the straw having been shown to him by Griffiths's wife, he had discoursed of it to several persons when walking in St. Paul's, and told them at the time, as his real opinion was, that it seemed to him a thing of no moment; that he saw nothing in the straw but what any painter could readily have drawn there; that he considered it so little like a miracle that he never

* Examination, December 2nd, 1606.

† Examination, November 27th, 1606.

asked the woman how it was done. The face," he said, "seemed to him to be described by a hair-pencil or some very slender instrument; and that, upon the whole, he saw nothing whatever wonderful in the thing, except that it should be possible to draw a man's face so distinctly, upon so very small a space." A painter, named Francis Bowen, who had been shown the straw by Garnet's devoted friend, Anne Vaux, was also examined by the archbishop. He made a drawing of the straw from recollection, upon the margin of the paper which contained his examination, a copy of which drawing was published in Dr. Abbott's Antilogia. Bowen said,* "he thought that beyond all doubt a skilful artist might depict upon a straw a human countenance as artificially as that which he had seen, and even more so; and therefore that he believed it quite possible for an impostor to have fabricated this pretended miracle." With respect to the exaggeration of the miracle after this period, the testimony of Griffiths himself, given in his first examination, is sufficiently conclusive. "As far as I could discover," said he, "the face in the straw was no more like Garnet than it was like any other man with a long beard; and truly, I think, that no one can assert that the face was like Garnet, because it was so small; and if any man saith that the head was surrounded with a light, or rays, he saith that which is untrue."

Many other persons were examined, but no distinct evidence could be obtained as to the immediate author

* Examination, November 27th, 1606.

of the imposture. It was quite clear, however, that the face might have been described on the straw by Wilkinson, or under his direction, during the interval of many weeks which occurred between the time of Garnet's death and the discovery of the pretended miracle in the tailor's house. At all events, the inquiry had the desired effect of checking the progress of the popular delusion in England; and upon this the Privy Council took no further proceedings against any of the parties, wisely considering that the whole story was far too ridiculous to form the subject of serious prosecution and punishment.

Some apology is perhaps due to the reader for thus bringing forward in the nineteenth century the idle and foolish delusions of a former age. But the fable of Garnet's Straw is not altogether a useless legend. It illustrates in a remarkable manner the prevalence of gross superstition, not only among the lower orders of Roman Catholics of that day, but also among well-instructed and enlightened Jesuits, such as L'Heureux and Father More. The latter were no doubt influenced by a strong disposition to remove the imputation which Garnet's conviction had thrown upon the sanctity of their order by thus imposing upon the multitude the belief of a Divine interference in his favour; but it is most probable that they were also believers in this miracle. "Credulity and imposture," says Lord Bacon,* "are nearly allied; and a readiness to believe and to deceive are constantly united in the same person."

* De Augmentis Scientiarum.

CHAPTER IX.

Controversy respecting Garnet's Moral Guilt—History of the Discussions—Abbott's Antilogia—Obstacles to a right determination of the subject—Garnet's Apology—Examination of its validity—On the duty of concealing facts mentioned in Sacramental Confession—Opinions of Roman Catholic Divines on the subject—Garnet's admission of Moral Guilt.

History of the controversy respecting Garnet's moral guilt.

THE general question of Garnet's *moral* guilt has been the subject of warm discussion at various times during the last two centuries. Those who have debated this matter since the trial have undoubtedly far better means of forming an accurate judgment upon it than the court or jury upon the trial, in consequence of the important evidence obtained by means of Garnet's confessions after the close of the judicial proceedings. The discussion of the subject at the time was excited and voluminous. In the course of the year after Garnet's execution, the question arose incidentally in the course of the controversy respecting the new oath of allegiance imposed by the Statute 3 Jac. I., cap. 4. The King having, in his "Apologie for the Oath of Allegiance," asserted that Garnet, "the leader of the band of Jesuits in England," had died, acknowledging

his privity to the Plot by other means than sacramental confession, was indignantly contradicted by Bellarmine, who, under the assumed name of Matthæus Tortus, published an Answer to the King's "Apologie." Launcelot Andrews, Bishop of Chichester, replied to this work of Bellarmine, by an extremely acute and powerful pamphlet, entitled, "Tortura Torti," in which the question respecting the manner and extent of Garnet's acquaintance with the Plot is fully and ably argued. James also noticed Bellarmine's work in a "Præmonition to all Christian Princes," prefixed to a revised edition of his "Apologie." Upon this, Bellarmine wrote an "Apology for his Answer to the Book of King James I.," in which he reasserted Garnet's innocence of any criminal participation in the Plot. In the year 1610 a work appeared, entitled, "An Apology for the most Reverend Father Henry Garnet against the charge of Sir Edward Coke," written by a person who assumed the name of Eudæmon-Joannes, and described himself as a Cretan Jesuit; but who was supposed by contemporaries to be one of the expatriated English missionaries. It is, however, sufficiently ascertained that the real name of the author of the several works published under the title of Eudæmon-Joannes was L'Heureux. He was a native of Candia, and a Jesuit of high reputation for learning, who taught theology at the University of Padua, and was appointed by Pope Urban VIII. Rector of the Greek College at Rome. He was also commissioned by the same Pope to attend Cardinal Barberini, when he went

as Legate to Paris.* The book of Eudæmon-Joannes was adroitly and plausibly written, and excited so strong a sensation throughout Europe in favour of Garnet, that James considered it necessary to provide some effective antidote to the poison. He therefore employed the celebrated Isaac Casaubon, whom he had about that time invited to England, to refute the Jesuit's arguments, and supplied him with all the confessions and declarations of the conspirators, and of Garnet himself, together with various other documents necessary for the purpose. Casaubon executed the duty imposed upon him with a degree of skill and candour worthy of his enlightened character; and his "Epistle to Fronto Ducæus," which appeared in 1611, is unquestionably one of the best works which were published on the subject. Eudæmon-Joannes, in 1612, wrote an answer to Casaubon, by no means equal to his first work, and easily to be refuted by those who had access to the evidence possessed by the English Government. Still the impression produced upon the public mind by the arguments of Eudæmon-Joannes was not entirely removed. Roman Catholic writers continued to refer to his apology for Garnet as a triumphant and incontrovertible demonstration of the Jesuit's innocence; while the inaccurate and imperfect narration of the proceedings on his trial led to abundant false reasoning upon the subject. In this state of the controversy, Dr. Robert Abbott, the brother of the Archbishop of Canterbury, a man of the highest repu-

* Biographie Universelle, titre L'Heureux.

tation for talents and learning,* but a determined adversary of popery, and, from his controversies with Bellarmine and the Arminians, denominated *Malleus Papismi et Arminianismi*, published his celebrated "Antilogia *adversus Apologiam Andreæ Eudæmon Joannis.*" It is manifest from the contents of this work, that during its composition, Dr. Abbott had free access to all the documentary evidence against Garnet which was in the possession of the Government. This he would readily obtain through his brother the Archbishop of Canterbury; and, indeed, there is a memorandum still existing in the State-Paper Office, which records that, on October 9th, 1612, a great number of the documents relating to the Plot, were delivered to the Archbishop of Canterbury, and that, on July 1st, 1614, they were again returned by him to their proper depository. During this interval of time, the "Antilogia" was composed and published; and in consequence of the vast body of evidence it contains, drawn

* Dr. Abbott is thus mentioned by Wood, in his Athenæ Oxonienses:—"In the beginning of the reign of James I. he was made chaplain in ordinary to him; in the year 1609 he was unanimously elected Master of Baliol College, and in the beginning of November 1610 he was made Prebendary of Normarton, in the church of Southwell. In 1612 he was appointed doctor of the theological chair, usually called the King's Professor of Divinity, by his Majesty; and in 1615 he was nominated by him to be Bishop of Salisbury, merely, as 'tis said, for his incomparable lectures, read in the Divinity School, concerning the King's supreme power, against Bellarmine and Suarez, and for his *Antilogia*, which he a little before had published. He was a person of unblameable life and conversation, a profound divine, most admirably well read in the fathers, councils, and schoolmen, and a more moderate Calvinian than either of his two predecessors (Holland and Humphrey) in the Divinity chair were."

from the original materials supplied by the Government, as well as the powerful reasoning of the author, it is, beyond all comparison, the most important work which appeared in the course of the controversy. It abounds in the scurrilous language and personal imputations so common in the political and religious controversies of that time. But it is peculiarly valuable at the present day in assisting us to form an accurate judgment upon the main subject of the controversy, because it gives the substance of much documentary evidence not now to be found, and removes many doubts and fills up many chasms in the history of the transaction.* The English writers, Bishop Andrews and Dr. Abbott, as well as Casaubon, possessed a great advantage over their foreign adversaries, in the facilities they had of using the whole evidence which had been obtained on the subject; whereas, Bellarmine and Eudæmon-Joannes were obliged to found their defence of Garnet on the facts contained in the imperfect report of the trial, as published by authority.

In 1678 the celebrated Popish Plot again excited a fierce controversy between the Roman Catholics and Protestants; in the course of which the Bishop of Lincoln republished the papers respecting the Gunpowder Treason, printed by authority of James I. at the time of the discovery of the conspiracy, and appended to them a number of letters written by Sir Everard Digby from the Tower, then lately discovered, and which are not only extremely interesting, but throw much light

* The "Antilogia" is now become extremely rare.

upon this question. Dr. Williams, an acute and sensible writer, also published at this time a "History of the Gunpowder Treason," and in reply to certain strictures upon his account of the facts, afterwards wrote a Vindication of it, which contains many powerful remarks upon the subject of Garnet's implication in the Plot. It is clear, however, not only from the contents of his pamphlet, but from a summary of his authorities given at the end of his Vindication, that Dr. Williams did not consult the original documents. At this latter period Garnet's full implication in the Gunpowder Plot was generally assumed by Protestant writers, and was repeatedly referred to as proving the dangerous principles of the Jesuits. In more recent times, the great question of Roman Catholic emancipation, as it was termed, once more raised up the spirit of controversy respecting Garnet, and his connexion with the Powder Plot; and Mr. Butler's remarks on the subject, in his "Memoirs of the English Catholics," which, however partial and superficial, had, at least, the merit of being temperate, called forth warm and animated replies from Mr. Townsend, and various other writers of less eminence and ability.

Two causes have hitherto operated in the controversies on this subject to impede the successful investigation of the truth: the first is the very imperfect knowledge of facts upon which the arguments on both sides have generally proceeded; and secondly the prevalence of a violent party spirit, stimulated by the peculiar circumstances of the periods in which the debates have

arisen. In 1678, as well as in the earlier controversy, the evidence which formed the basis of the reasoning on the Jesuits' side consisted of nothing more than so much as the government had thought proper to publish in the "Discourse of the Manner of the Discovery of the Gunpowder Plot," and in the meagre reports of the trials; and though, in later times, original materials have been referred to, which might, if impartially used, have gone far to set the question at rest for ever, they have been so distorted and misapplied by party spirit and prejudice, and the discussion has been conducted so much more in the spirit of political rancour than of candid inquiry, that the only result has been to widen the unfortunate breach which had so long existed between the Roman Catholic and the Protestant, without advancing a step towards the solution of the historical difficulties. It is most absurd and unjust to argue, from the fact that a particular Jesuit, two hundred years ago, followed his pernicious principles into a wicked course of action, that therefore the principles and doctrines of Roman Catholics at the present day must be practically opposed to morality and good government. Garnet's most obnoxious and dangerous opinions were the opinions of a section only of those who professed the Roman Catholic religion; they were not sanctioned generally even by the Jesuits of his day, but were maintained and encouraged by none except the most fanatical and extravagant casuists of that party. In the writings of several learned Jesuits in the seventeenth century, there are no traces of such

extreme opinions; within fifty years after Garnet's time they were ridiculed and refuted in the *Lettres Provinciales* of Pascal, who was a conscientious Romanist; they were disclaimed as doctrines of the Church of Rome, in the most solemn manner, by the unfortunate Lord Stafford,* who was also a conscientious Romanist; and in the doctrinal works of Roman Catholic divines in our own times they are generally disavowed and condemned. If it be unfair and unreasonable to impute to modern Roman Catholics the false and mischievous *opinions* of Garnet, it is still more manifestly unjust to make them responsible for his *particular crimes*, unless it could be shown that they entertain his opinions, and also that such crimes are their natural and probable result.

No good reason can be assigned, therefore, why the question of Garnet's participation in the Powder Treason should not be discussed with the same calmness and with the same indifference as to the issue of the reasoning as we bring to the investigation of any other historical fact. The problem of his delinquency or innocence can be of no practical importance at the present day; and its solution is most likely to be attained by laying aside all party considerations, and temperately and critically weighing the evidence.

Discussion of the truth of Garnet's justification.

The substance of Garnet's justification, as pleaded by himself and his apologists, was, that he had only heard of the Plot from Greenway, under the seal of sacramental confession; so that, in religion and conscience,

* Howell's State Trials, vol. vii. p. 1357.

his lips were entirely closed. Though precluded from disclosing the secret in any manner by a solemn sacrament, he represented, as his defence and excuse, that he abhorred the design of the Powder Treason, and endeavoured to prevent its execution to the utmost of his power. This, therefore, is Garnet's case on the trial of his character by posterity. It may not be altogether an unprofitable employment to consider the facts and arguments by which it is supported.

His religious obligation to secrecy.

With reference to his alleged obligation to secrecy on religious grounds, it may be admitted, *in limine*, that if the facts were as Garnet represented them, and if he actually received his knowledge of the Plot under the seal of sacramental confession, he was required by the more rigid doctrines of the order to which he belonged, not to reveal to any third person the important secret which had been communicated to him. This question is discussed by Martin Delrius, or Delrio, a learned Jesuit, contemporary with the Powder Plot, in his "*Disquisitiones Magicæ;*" and it is a singular circumstance, that in this treatise, which was first published in 1600, and consequently several years before the actual occurrence of the plot, the very case of a gunpowder conspiracy is put as an illustration of the writer's argument. "There have been some jurists," says Delrius,* "who have given it as their opinion, that with respect to crimes about to be committed, if the person confessing refuses to abandon his criminal purpose, and determines to persevere, it is lawful for

* Disquis. Mag., lib. vi. p. 7. Edit. Venet. 1615.

the confessor to disclose them for the purpose of prevention; but this is a dangerous doctrine, and deters men from confession. The supporters of this doctrine may be right, if they limit it to the case of a person, who comes to his confessor with the *pretence* only of making his confession, but really with the intention of obtaining advice or of deceiving the confessor, or perhaps even of drawing him into a participation of his crime; for this is not a real sacramental confession, nor indeed is the matter in such cases confided under the seal of confession at all. But where a person comes with a sincere intention to confess and obtain absolution, and thus opens his mind under the protection of the seal of confession, unquestionably the general doctrine, that it is not lawful to disclose the secret, though it amount to treason against the state, must be adhered to; and this doctrine is confirmed by the authority of a majority of jurists and divines. They limit it, however, in the first place, to the case of a true confession; and they admit, that the priest may strongly admonish the persons confessing to abstain from their criminal enterprise, and, if this produce no effect, may suggest to the bishop, or the civil magistrate, to look carefully for the wolf among their flock, and to guard narrowly the State, or give such other hints as may prevent mischief without revealing the particular confession. They add a second limitation, namely, that where the penitent has accomplices, and he himself is brought to repent of his design, and promises amendment, but a danger arises that the crime may be perpetrated by

others, it is lawful for the confessor to prevent mischief by revealing the secret, even without the consent of the person confessing. Both these limitations depend upon this question,—can a priest in any circumstances make use of the knowledge which he has obtained by means of confession to avert imminent mischief to the state? For instance, a criminal confesses that he or some other person has placed gunpowder or other combustible matter under a certain house; and that unless this is removed, the house will inevitably be blown up, the sovereign killed, and as many as go into or out of the city be destroyed or brought into great danger,—in such a case, almost all the learned doctors, with few exceptions, assert that the confessor may reveal it, if he take due care that, neither directly or indirectly, he draws into suspicion the particular offence of the person confessing. But the contrary opinion is the safer and better doctrine, and more consistent with religion and with the reverence due to the holy rite of confession."

This passage is inserted at length, because it contains the most strenuous doctrine to be found in the writings of the Jesuits on this subject; and also because part of the doctrine it inculcates, respecting concealing confessions, seems to bear a great resemblance to the line of conduct which, according to his own statement, Garnet adopted. It is natural to suppose that a contemporary treatise, upon a subject of doctrine, written by a Jesuit, would be in his hands; it is probable, indeed, that Delrius's book was, at this time, well

known to the English Roman Catholics; and Sir Everard Digby possibly referred to it in his letter to his wife, when he says, "I saw the principal point of the case (the lawfulness of the Plot) judged in a Latin book of M.D. (Martin Delrius)."*

It must here be observed, that this opinion of Delrius was by no means the common doctrine of the Jesuits of that day, but appears to have been one of those rigorous and extravagant tenets which were professed by the most fanatical of their party. Bellarmine himself expressly admits† that "if the person confessing be concealed, it is lawful for a priest to break the seal of confession, in order to avert a great calamity." But he excuses Garnet by saying, that it was not lawful for him to declare a treasonable secret to an heretical king, who had no reverence for the sacrament of confession, and who would have constrained him by torture to declare the person who had confessed the criminal design. "Therefore," says Bishop Andrews,‡ in his answer to Bellarmine, "it follows from this argument that it is lawful and justifiable to blow up such a King with gunpowder." But besides the obvious absurdity of the apology, the objection to it in the case of Garnet, is, that it is not the excuse which he ever pretended to make for himself,—a remark which will be found to apply very generally to the arguments and answers which, since

* Digby's Letters, appended to the "History of the Gunpowder Plot," p. 249. Edit. 1679.

† Apologia pro Responsione, &c., cap. xiii. 178-9.

‡ Responsio ad Bell. Apol., p. 316. [436, edit. 1851.]

his death, have been devised for him by the ingenuity of his apologists. It is hardly to be conceived, that, if the facts upon which such arguments and answers are founded were true, they would have been omitted by the person who was most intimately concerned in them, and who certainly was wanting neither in ability or courage to use such weapons as he had at his disposal.

It is, however, not to be doubted, that at this period very rigorous doctrines upon the subject of confession prevailed among the Jesuits. Casaubon relates, that, a few days after the assassination of Henry IV., he conversed with a Roman Catholic theologian, named Binet, in the Royal Library at Paris, upon the subject of Garnet's punishment. In the warmth of discussion, Binet exclaimed, that "it was better that all the kings of the earth should perish than that the seal of confession should once be broken; for," added he, "kingly government is a matter of human law, but the sacrament of confession is an institution of God."*

Admitting it, therefore, to be probable that Garnet entertained a sincere opinion that he ought not to reveal the facts which Greenway had stated to him, and which had been obtained from Catesby under the seal of confession, let us next consider whether this was really the only channel by which he had specific notice of the existence of the Plot; or whether he did not derive his knowledge of the design of the conspirators by means, and under circumstances, which he must

* Epist. ad Front. Duc., p. 109.

have known left him at perfect liberty to disclose the secret if he had really wished to do so.

In the first place, that Garnet had some general knowledge of the Plot from Catesby, which he thought himself criminal in not revealing to the government, and which could not, therefore, have been derived in confession, is quite evident from his own direct admissions. In his letter to the King,* on the 4th of April, he "acknowledges himself to be highly guilty and to have offended God, as well as the King's Majesty and the state, in not having revealed the general knowledge of Catesby's intention which he had by him." He makes the same admission in his last moments upon the scaffold, saying, "that he had a general knowledge of the Plot by Catesby, and had sinned in not having revealed it, or taken means to prevent its execution." It is clear, therefore, by these admissions, that he did know of the Plot generally by other means than confession; and also that he obtained his knowledge in such a manner as left him at liberty to reveal it,—nay, in such a manner as not only justified him in revealing it, but made his conduct, in omitting to do so, "highly guilty" and offensive to God, even in his own estimation. The only reason he gives for not having disclosed his "general knowledge," as he terms it, is that he concealed it "partly upon hope of prevention, and partly because he would not betray his friends," without at all alluding to any excuse on the ground of sacramental confession. The

* Ante, p. 224.

reader may judge, after a due consideration of all the ascertained facts, how far it is probable that these could really be the motives of his silence.

Again, much discredit is thrown upon Garnet's declaration, that the communication of the Plot was made to him under the seal of sacramental confession, by the inconsistency and vacillation of his own answers on the subject. In all his examinations previously to the trial he constantly asserts that Greenway told him the matter in confession. After the trial, on being falsely informed that Greenway was apprehended, he perceives the danger of a discrepancy in their statements, and then relaxes the firmness of his previous assertions, saying, "that he cannot certainly affirm that Greenway intended to relate the matter to him under the seal of confession; and it might be that such was not his intention, though he (Garnet) always supposed that it was."* Being afterwards required to state plainly whether "he took Greenway's discovery to be in confession or no?" He answered, "that it was not in confession, but by way of confession."† Lastly, having declared that he conferred with Greenway frequently of the project, and asked him about it, "as often as they met," he was reminded that at all events, these latter conferences could not be in confession; upon which he endeavours to escape

* Garnet's Letter to the Fathers and Brethren on Palm-Sunday; also his Letter to the King, April 6, 1606, as cited in Abbott's Antilogia, p. 140.

† Garnet's Examination, April 25, 1606. State-Paper Office. Criminal Trials, vol. ii. p. 333.

from the difficulty, by saying, "that all these latter conferences had relation to the first, and consequently to confession."*

Here, then, are several different representations of a fact, which must have been known to himself with the utmost precision. At first "he heard it in confession;" then "he supposed it to be in confession, but Greenway may not have so understood it;" afterwards "it was not in confession, but *by way of* confession;" and finally, "it was told at various times, but always *with relation* to confession." It seems impossible that there could be a shadow of doubt in Garnet's mind whether Greenway told him the matter in confession or not. Confession was a formal sacrament of their church, daily performed, and therefore perfectly understood by both of them, and it is quite inconceivable that they should have mistaken the transaction, if anything of the kind had really taken place. Misunderstanding or mistake being therefore out of the question, the shifting and inconsistent statements of Garnet are only to be accounted for upon the supposition that he was not relating the simple truth.

Let us next consider how far it is ascertained by the undoubted facts of the transaction, that this communication to Garnet from Greenway or from Catesby was made under the seal of confession, in such a manner as to oblige him, in duty and conscience, to secrecy. According to the most rigid doctrines of the Jesuits respecting confession, it is quite clear that the

* Abbott's Antilogia, p. 140.

confession, in order to bind the lips of the priest, must be sacramental;—it must be a religious and spiritual ceremony, under the sanction of which the penitent confesses his sins, with a view to procure absolution for the benefit of his soul, without reference to worldly considerations. He must charge himself with some particular sins committed by him, for which he seeks to quiet his conscience, and for that purpose opens his mind to his spiritual adviser, in order to obtain reconciliation with God. In this manner he is considered to speak to God only; and what he says in this sacred confidence is not to be divulged to man. This is the principle of sacramental confession; and it is in the case of such a confession alone that Roman Catholic theologians declare the seal of secrecy to be inviolable, and the breach of it by the priest to be a crime.* But in the case of Greenway, who is represented by Garnet to have made this disclosure to him in confession, there was no self-accusation—no consciousness of sin—no penitence. Whatever may have been the case with Garnet, it is certain that Greenway neither disapproved nor discouraged this wicked enterprise. On the contrary, before it was discovered, he told Bates that "it was a good cause, and no offence to conceal it;" and after the discovery, he rode up and down the country, from

* "Ut confessio pars est sacramenti, necessaria ad eam conditio est ut sit *accusans, non quasi historiam aliquam aut fabulam narres, sed cum detestatione aliquâ*, teque profitearis reum in illo foro esse." Greg. de Valence, tom. iv. Disput. 7, Quæst. 11. "Nam sumit initium ex horrore turpitudinis peccati, et progreditur ad dolorem de commisso peccato." Thom. Aquinas, Supplement, 9 Art.

Coughton to Huddington, and from Huddington to Hendlip, and thence again into Lancashire, blowing the trumpet of rebellion, exciting the "choleric," censuring the "phlegmatic," and doing all he could to promote an insurrection of the Roman Catholics. Besides, all the circumstances of his communications with Garnet, upon this subject, were as unlike sacramental confession, or any other religious rite, as can be conceived. He made them, not kneeling in the usual manner of confession, but "walking about." Garnet "asked him about the matter," as often as they met,—sometimes inquiring how the Plot in general went on, and at other times, "who was to be chosen Protector when the King and the Houses of Parliament were destroyed."* All this was mere temporal conversation and conference, not spiritual confession; and the Jesuit writers are unanimous, that though a priest may, in the first instance, have obtained his knowledge of criminal facts by confession, yet if he afterwards hears of them out of confession, from any quarter whatsoever, or even in ordinary conversation from the penitent himself, the seal of secrecy is removed, and he is at full liberty to disclose them. This doctrine is declared by Soto,† Delrius, and all the Roman Catholic theologians, contemporary with Garnet, as well as by Mediavilla and others of a more ancient date. Garnet could not have been ignorant of this doctrine. Brought up in the Jesuits' College at Rome, familiar with the

* Garnet's Examination, April 25th, 1606.—State-Paper Office.

† "De ratione tegendi et detegendi secretum."

works of the divines of his own religion, and himself the Superior of the Jesuits in England for twenty years, it is wholly incredible that he should not have known that, assuming the facts of Greenway's communications with him to have been as described by himself, he was altogether absolved from the seal of confession, if it had ever applied. At all events, even if he had conceived that the point was not clearly ascertained—that it was *vexata quæstio* among divines of his own school, a truly religious and humane man, who really abhorred the design, would unquestionably have leaned to such an interpretation of a doubtful law as would have enabled him to prevent an act of such injustice and cruelty.

Supposing, however, that Garnet really entertained scruples of conscience on the point, there was another mode by which, if he had sincerely wished to prevent the execution of the Plot, he might have done so without violating the confidence of the confessional. It is declared by the best Jesuit authorities in matters of doctrine, and is admitted by Bellarmine in a passage above cited, that in order to avoid an imminent danger, it is not only lawful for a confessor, but his bounden duty, if he take care not to bring the penitent into question, to adopt every precaution, and to use his utmost diligence to prevent the criminal intention revealed to him from being carried into execution. One authority says, that "a priest in such circumstances should signify to the person who is the object of the intended mischief, to be on his guard."

Another writer advises a confessor, "when the danger disclosed to him threatens the state, to admonish those who are in authority to be cautious in a particular place and at a particular time." A third says, "he ought to prevent the mischief to the utmost of his power; he should incite the citizens to take care of their city, and do all he can to defeat the intended treason." The illustrations given by these writers, though sufficiently vague and indefinite, all point to a doctrine, which is perfectly intelligible, namely, that it behoves a priest who hears of an intended crime in confession to use every means in his power, without discovering the individual, to prevent its actual commission. What then did Garnet do, in order to prevent the perpetration of a crime which he says he abhorred? He asserts, indeed, that "both he and Greenway conspired to hinder it; that he never allowed it, and sought to hinder it, more than men could imagine, as the Pope would tell."* The only act which Garnet's advocates pretend that he performed, in order to overthrow the conspiracy by the intervention of the Pope, was an alleged application to Rome for a prohibition of all tumults among Catholics under ecclesiastical censures. But the nature and intention of this application to the Pontiff are ambiguous and suspicious. The letter containing it was addressed to Aquaviva, the Superior General of the Jesuits at Rome. It was first published in 1610 by Eudæmon-Joannes,† who

* Autograph letter to Anne Vaux, April 3rd, 1606.

† Apologia, p. 253.

gives no account of the original or the mode in which he found it. In this letter, Garnet, after acknowledging the receipt of Aquaviva's letters, which strongly exhorted him to restrain the English Roman Catholics from violent measures, proceeds thus :—" I have myself already thrice prevented tumults; and I doubt not to stay all open preparations for violence, as I am satisfied that, without urgent necessity, few Catholics will attempt anything of this kind without my consent. There are, however, two things which keep me in great anxiety: the first is, a fear that individuals may take arms in some one province, and thus others may be compelled by necessity to follow the same course. For there are not a few who are not to be restrained by the mere command of his Holiness: they ventured to ask, while Pope Clement was alive, whether the Pope had power to restrict them from defending their lives; they say, moreover, that none of their elders are privy to their secret intentions, and even some of my own friends complain of me by name because I have placed a bar against the designs of such persons. In order to quiet them, and at least to gain time, so that by some delay a fitting remedy may be applied, I have exhorted them to agree to send an envoy to his Holiness. This has been done; and I have directed him to the Nuncio in Flanders, to be accredited by him to the Pope, having also written letters by him, in which I have explained the opinions of the discontented, and the arguments used on both sides. These letters were written very fully and in detail, as I know they will

be safely delivered. So much for the first danger; the second is somewhat worse, because it is a danger of some treason or violence privately offered to the King, by which all Catholics would be compelled to take arms. Wherefore, in my judgment, two things are necessary: first, that his Holiness should prescribe what shall be done in either case; and secondly, that he should prohibit Catholics, under censures, from taking arms, and this by a breve publicly proclaimed, the opportunity for which might be given by the tumult lately raised in Wales, which has now fallen to nothing. It now only remains for me to beseech his Holiness (since things daily grow worse with us) to provide as soon as possible some remedy for these dangers."

This letter * is dated July 24th, 1605; and, if Garnet's own account is to be relied upon, it was written about the time that Greenway informed him

* It has been strongly urged by Dr. Abbott that this letter is a forgery, or, at all events, that a false date has been assigned to it by Eudæmon-Joannes. This suggestion might be dismissed as a mere conjecture, unsupported by evidence, were it not for a suspicious anachronism which is to be found in the letter itself. The letter, which is dated July 24th, 1605, states, that Sir Edmund Baynham had been at that time actually despatched to Flanders on his way to Rome; whereas it is clear, from all the evidence, and from Garnet's statements in particular, that the proposal to send Baynham was not made till some time afterwards, and that he did not leave England until the following September.—Garnet's Confession, February 20th, 1605-6, in Abbott's *Antilogia*, p. 141. Besides, Fawkes gives a reason for the mission of Baynham quite inconsistent with the date of the letter, namely, that he was sent to the Pope, "to the end he might be there in readiness, and the Pope to be by him acquainted with the successes to be prepared for the relief of the Catholics, after the project of the powder had taken effect."—Fawkes's Examination January 9th, 1605-6.

of the Powder Plot, the date of which communication he fixes to have been a few days before July 25th.* Assuming his own account of dates, therefore, to be correct, and also assuming this letter to be genuine, we have here the communication made by him to the Superior of his order at the very point of time when the nature of the conspiracy had been first revealed to him. But the letter indicates none of that perturbation of mind which Garnet declared he felt upon his first acquaintance with the project; there is no urgency or earnestness in enforcing his application to the pontiff for the means of staying the commission of an enormous crime, which, if perpetrated, must render the very name of Catholic execrable—no vivid representation of a horrible calamity, threatening the extirpation of the royal family, and the ruin of the kingdom, and which was only to be averted by the Pope's interference—nothing, in short, is suggested which was likely to have the effect of inducing the Pope to interfere in the extraordinary manner which the letter affected to require. Whether, therefore, this letter was sincerely intended by Garnet to procure a total overthrow of the Plot by the Pope's interference, or whether the object was to forward the determination which Fawkes declared† had been formed by the conspirators from the commencement—namely, the discouragement of all minor plots which might thwart the execution of the great design, must

* Garnet's Examination, March 12th, 1605.—State-Paper Office.

† Fawkes's Examination, November 7th, 1605.—State-Paper Office.

be left to the judgment of the reader. At all events, it is certain either that the Pope never received the letter, or that he did not think the communication sufficiently urgent to induce him to interfere in the manner proposed. If it was a genuine letter, and actually received by the Pope, the requisition of a prohibition would not of course be granted before the arrival of Baynham with the fuller and more complete information announced by this communication ;—and Baynham was not despatched until September, when it was too late to render the Pope's interference available for preventing the catastrophe.

But the inquiry naturally suggests itself, why should Garnet, in a case of such urgency, have written to Rome at all for a prohibition? He was himself Superior of the Jesuits in England, and, as Lord Salisbury said, "the pillar and oracle of their order." By his own authority, especially armed, as he says he was, by the mandate of the Father-General, to forbid all risings among the Roman Catholics, he might have issued a command that all plots and designs against the King should be abandoned, which would have been respected and obeyed by all the English Roman Catholics, or at least by all attached to the Jesuit party. He had power to require a cessation of all such designs, under the severest penalties. The orders of the General were, by the express rules of the Society, to be respected as the injunctions of Christ himself, and the close subjection of the subordinates to the superiors of the Jesuits in those times renders it morally certain that Garnet's

mandate for the suppression of the Plot would have been religiously obeyed. There is, however, a piece of evidence in a letter of Digby to his wife, from the Tower, published in 1679, which clearly shows that, notwithstanding the general prohibition of the Pope, which Garnet says he so frequently objected to Catesby and others; he had no intention to prevent designs against the State, provided they were undertaken for the promotion of the Roman Catholic religion. Sir Everard Digby had scruples upon this very point, and hesitated to join in any insurrection in opposition to the declared wishes of the Pope. "Before I knew anything of the Plot," says he, "I did ask Mr. Farmer (Garnet) what the meaning of the Pope's brief was; he told me that the priests were not to undertake or procure stirs; but yet they would not hinder any, neither was it the Pope's mind they should, that should be undertaken for the Catholic good."*

There is another shaft, drawn likewise from the quiver of a friend, and aimed at a very different object, which falls most heavily against Garnet. An extract from a letter written by him to Father Parsons at Rome, on September 4th, 1605, immediately before the pilgrimage to St. Winifred's Well, is published by Eudæmon-Joannes, for the purpose of showing that Garnet was not then acquainted with the Plot. Much of that writer's apology for Garnet is founded upon the

* Letters of Digby, at the end of the "History of the Manner of the Discovery of the Gunpowder Plot," p. 178. Edit. 1678. Farmer was one of the names used by Garnet, and by which he was indicted.

assumption that he was not informed by Greenway of the Plot until after the prorogation of Parliament from October 3rd to November 5th. In this he is supported by Greenway's 'Narrative,' and is followed, in modern times, by Dr. Lingard, who assigns so late a date to the communication as October 21st or 22nd, and builds much of his ingenious defence of Garnet upon this fallacy. Greenway must, in this instance, have stated what he knew to be false, with the intention of deceiving those who required him to write his account of the transaction; and he made his statement in ignorance of the large admissions made by Garnet respecting his knowledge of the Plot at an earlier period. Eudæmon-Joannes and Dr. Lingard were misled by Greenway, and also deceived by Garnet's letter to Aquaviva above alluded to. The extract from Garnet's letter to Parsons is as follows:—"As far as I can now see, the minds of the Catholics are quieted, and they are determined to bear with patience the troubles of persecution for the time to come; not indeed without hope that either the King himself, or at least his son, will grant some relief to their oppressions. In the mean time the number of Catholics is much increased; and I hope that my present journey, which, God willing, I mean to commence to-morrow, will not be without good effect upon the Catholic cause." Eudæmon-Joannes could know nothing of what Garnet had confessed, excepting so much as appeared from the imperfect report of his trial; and to him the letter naturally appeared to prove the fact of Garnet's ignorance of the Plot at the time it was

written. But by those who know that, for many months before the date of this letter, Garnet was acquainted with the Plot by Greenway,*—that he was fully aware of the perseverance of the conspirators in their scheme, as he asked Greenway about it as often as he saw him,—that at the moment he wrote this letter he was on the point of starting upon a pilgrimage with several of the sworn conspirators—this letter must be considered as supplying convincing and fatal evidence against Garnet. It shows to demonstration, that within a few weeks before the intended meeting of Parliament, when the blow was to be struck, Garnet was wilfully deceiving Parsons, and through him the Pope, as to the disposition of the English Roman Catholics; and that, so far from endeavouring to procure a prohibition from the Pope to prevent the execution of the Plot, he was persuading the authorities at Rome into a belief that all interference on their part had become unnecessary, and that all previous representations to the contrary (if such were ever made) were to be considered as withdrawn. He might be bound, if his story were true, by a supposed religious duty not to reveal the particular project;—attachment to his friends and disciples might induce him to suppress the truth, and to forbear to mention their names or their particular treason even to Parsons or the Pope; but no other motive than a desire to promote their purposes, by absolutely preventing any interference from Rome, could have led

* See Garnet's Confession, March 12th, 1605-6.—State-Paper Office. Criminal Trials, vol. ii. p. 276.

him thus to suggest a falsehood—"to speak peace when there was no peace;" to talk of the patience and quietness of the Roman Catholics, and of their hopes from the King and his son, when he knew that within two months from the date of his letter, a party among them, in the rage of despair, had determined to execute a scheme of most savage vengeance upon the King and the Protestant party.

An excellent test of truth, which is frequently applied in the administration of justice, may be employed with advantage upon this subject; namely, a comparison of the undoubted and indisputable facts and dates of the transaction with the account which the accused party gives of his own motives and conduct. "It is a good safe rule," says a profound master* of the science and practice of judicial evidence, "in weighing evidence of a fact, which you cannot compare with other evidence of the same fact, to compare it with the actual conduct of the persons who describe it. If their conduct is clearly such as upon their own showing it would not have been, taking the fact in the way in which they have represented it, it is a pretty fair inference that the fact did not so happen. If their actings, at the very time the fact happens, represent it in one way and their relation of it represents it in another, why there can be no doubt which is the authentic narrative—which is the naked truth of the transaction." It is obvious that this rule applies with

* Lord Stowell. See his judgment in the case of Evans *v.* Evans. Haggard's Consistory Reports, vol. i. p. 41.

precisely the same force to a comparison of the representations of one person with the actions of others, or with the acknowledged circumstances of a transaction to which the representations relate. For instance, where an individual states that he did certain acts in conjunction with other persons, or gave them certain advice—if it can be shown satisfactorily that the conduct of those persons has not been such as it must necessarily have been, or that the other circumstances of the transaction have not occurred as they must have occurred if those acts had really been done, or that advice had in fact been given, it is a reasonable conclusion that the statements made are false. And surely if this comparison of statement with conduct is a valuable means of estimating testimony in judicial investigations at the present day, when there is usually a fair presumption that a witness is speaking the truth, it must be doubly valuable when applied to the statements of those who not only practised, but avowed and justified, as a laudable and moral principle, equivocation, evasion, falsehood, and even perjury to God, when committed by an individual in order to defeat a criminal charge made against him.

Let us then apply this rule to the statements of Garnet and his own conduct, and also that of others to whom those statements refer. He asserts that he knew nothing of the Plot until he heard it from Greenway in confession, in July, 1605—that he always abhorred the project—that he thought it "altogether unlawful and most horrible"*—that from the time it was imparted to

* Garnet's Letter to the King, April 4th, *ante*, p. 242.

him he could not sleep quietly—that he prayed to God that it might not take effect—that he commanded Greenway to put an end to it*—that he and Greenway conspired to prevent it,† and that he did all that he could to dissuade the conspirators from their purpose. This is Garnet's case, stated by himself, and in his own language. Let us now consider his conduct, and the ascertained facts of the transaction, and see how far they are consistent with these propositions. Garnet was the friend of Catesby, Thomas Winter, and Greenway. He had avowedly participated with them in two previous capital treasons, one immediately before, the other immediately after, the death of Queen Elizabeth, which he himself considered so serious that he thought it necessary to shelter himself from punishment by a pardon. He had kept the Pope's breves against a Protestant succession for several years, and had repeatedly shown them to Catesby and Winter, the former of whom constantly referred to these breves as justifying his scheme. Of Catesby, the contriver of this Plot, he was the peculiar and intimate adviser and associate. At White Webbs,—at Erith,—at his lodging in Thames-street,—at Fremlands,—in Moorfields,—and at Goathurst,—from the time of the King's accession until within a fortnight of the 5th of November,—Catesby and Garnet are found in constant and confidential communication. Catesby informs him repeatedly in general terms that he had a treason in

* See Criminal Trials, vol. ii. p. 294.

† Letter to Anne Vaux, April 3rd, 1606.—State-Paper Office.

hand; and yet, according to Garnet, he who had been his accomplice in two previous treasons, does not choose to trust him with the particulars of the third—passes by his friend, the Superior of the Jesuits, and confesses his design to Greenway, a subordinate priest. This strange reserve could not proceed from any apprehension on the part of Catesby that Garnet, if informed of the scheme, would condemn it as unlawful and forbid its prosecution. Catesby had all along no doubt about its lawfulness. He believed and declared that God had designed this mode of punishment for the enemies of the true religion; and the promotion of the true religion being the object of the scheme, he was satisfied that neither Garnet nor any other religious man could oppose it. He told Garnet that the Pope himself could not but approve it. In truth, no cause ever has or ever can be assigned for this improbable and unnatural silence. It is as inconsistent with the character and relative position of the parties as it is contrary to the common motives which actuate the conduct of mankind.

Again, Garnet says* that about Midsummer, 1604, Catesby or Winter "insinuated" to him that there was a plot in hand for the Catholic cause against the King and State. He knew, therefore, at that time, that a treason was in existence, the object of which was the promotion of the religion of which in England he was the head and chief; and he continues from time to time to hear of it, from Greenway, Catesby, and Winter,

* Garnet's Examinations, March 13th and 14th, 1605-6. Criminal Trials, vol. ii. p. 276.

for a twelvemonth afterwards. All this time, however, he denies that he knew any particulars, which in itself is sufficiently strange, considering his character and office, and considering who were the promoters of the treason, and what was their avowed object. In June, 1605, Catesby proposes to him the question about "killing nocents and innocents," which has been often before mentioned. One month afterwards, namely, in July, 1605, Greenway, according to Garnet's account, unfolds the whole scheme of the plot to him, at which communication he says he was struck with horror and grief, and immediately set himself to work to prevent the execution of the project. At this point of time, then, at least, when Greenway made his communication, the meaning of Catesby's inquiry, about "nocents and innocents," which at first Garnet says he thought an idle question,* as well as the nature of the Plot "insinuated" by Catesby or Winter a year before, must have flashed upon his mind. Did his conscience, which became so uneasy upon this discovery that he could not sleep, prompt him to tell Catesby, that he now perceived his intention in the insidious question he had propounded—that he now detected the scheme he had in hand? Did he then denounce the project to him in the epithets he afterwards applied to it, as being "altogether unlawful and most horrible?" Did he call upon him, by his promised obedience to himself and the rules of the order, to abandon this ferocious enterprise, disgraceful to humanity, and an everlasting

* See Criminal Trials, vol. ii. p. 292.

reproach to his religion? He says "he could not do this, because it was matter of secret confession." For the reasons above given, it may be doubted whether Garnet really believed himself bound by the sacrament of confession;—but, admitting that he thought so, it was in his power to relieve himself entirely from this obligation. Catesby, having obtained leave from the other conspirators to do so, offered to inform him in particular what attempt he had in hand, which Garnet refused to hear. Why did he refuse to hear him? His mind was so disquieted with the story which Greenway had told him, that he could not sleep. He earnestly desired—he prayed to God that the project might be prevented; his own tongue, which, if at liberty, might instantly destroy the scheme, was bound by a religious sacrament. An opportunity is offered of releasing him from this solemn obligation, and of leaving him altogether free to follow the dictates of humanity and the suggestions of his conscience. This opportunity he rejects, and the reason he gives to Lord Salisbury for not hearing Catesby when he frankly offered to tell the whole story is, that "his soul was so troubled with mislike of that particular, that he was loath to hear any more of it.'* Now it is plainly impossible that these facts could have existed, as Garnet relates them; for it is beyond all belief that his conduct could have been as it actually was, if his motives and intentions had been as he represents them. A person troubled in spirit by the possession of a frightful secret,

* See Criminal Trials, vol. ii. p. 294.

—painfully anxious to avert an impending calamity by disclosing it, but compelled to silence by a religious obligation,—would have eagerly embraced the opportunity of deliverance afforded by Catesby's offer. Garnet, on the contrary, refuses it, and gives a frivolous and absurd reason for so doing. His refusal to hear Catesby, under these circumstances, was altogether repugnant to the universal motives which govern the actions of men;—he gives no sufficient reason for so inconsistent an action; and therefore, upon the fundamental rules of historical evidence, the whole story must be rejected as incredible.

Journey to Coughton.

Garnet's journey to Coughton, only six days before the 5th of November, was a circumstance in his conduct which was repeatedly mentioned by himself with apprehension, as the most liable to suspicion and most difficult to answer, and which is wholly irreconcileable with the motives and intentions which he professed to entertain respecting the Plot. "There is," says Garnet to Hall, in one of their interlocutions in the Tower,* "one special thing of which I doubted they would have taken an exact account of me, to wit, of the causes of my coming to Coughton, which indeed would have bred a great suspicion of the matter." "Indeed," he says in a subsequent interlocution, "I was pressed again with Coughton, which I most feared; questioning with me of my times of coming thither, the place, at such a time, and the company." To Anne Vaux he says: "The time of my coming to Coughton is a great

* See Appendix, No. II. p. 336.

presumption; but all Catholics know it was a necessity." What the "necessity" was to which he alludes in his letter to Anne Vaux is not apparent; and that it was not understood by "all Catholics" at that time, appears probable from the total absence of any explanation of it by Bellarmine, Eudæmon Joannes, or any other of Garnet's apologists. It is, indeed, impossible to discover among the facts of this transaction, any explanation of this journey to Coughton consistent with Garnet's innocence of the Powder Plot. A fortnight before the 5th of November, he is found with Catesby and several Jesuits, at Sir Everard Digby's house at Goathurst, in Buckinghamshire.* At this place they separate; Catesby going straightway to London to execute the bloody project; and Garnet, with Mrs. Vaux, and Sir Everard and Lady Digby, travelling to Coughton, the centre of the rendezvous, the place actually hired for the purpose of the conspiracy, and from whence Digby is to proceed four days afterwards to the pretended hunting at Dunchurch. The journey from Goathurst to Coughton took place on the 29th of October.† At that moment the preparations of the incendiaries were complete. The powder and combustibles were in the cellar. The hand was raised and ready "that should have acted that monstrous tragedy." Within one week the Parliament would meet, and the catastrophe would take place. Garnet was perfectly informed of all this

* See Garnet's Examination, March 6th, 1605-6.—State-Paper Office.

† See Handy's Examination, November 27th, 1605.—State-Paper Office.

—the man who abhorred the Plot—who, for months before, could not sleep by reason of his alarm—who prayed to God, and did all he could, to prevent the execution of the project,—suffers Catesby to depart to the scene of destruction without even a remonstrance, and he himself quietly travels with a principal conspirator to a place hired by that conspirator expressly with a view to the intended operations of the insurgents. There the insurgents seek him, and thither Catesby sends to announce *to him* the failure of the enterprise. Let us now consider for a moment whether this would or could have been the conduct of a person who really felt, thought, and intended, as Garnet declares he did. In the first place, would he have suffered Catesby to leave Goathurst on his bloody expedition without remonstrance or warning? Would he, under such circumstances, have removed himself to a greater distance from London? On the contrary, would not his anxiety have forced him to the scene of immediate action, to take the chance at least of finding some means of averting the blow he so much dreaded? If this was hopeless, would he not at all events have fled to the remotest corner of the land, instead of incurring the suspicions which must necessarily rest upon him if he sought the rendezvous of these men of blood?

Garnet, indeed, says on his trial, that "he went into Warwickshire with a purpose to dissuade Mr. Catesby when he should have come down;" and "that if he had come to him upon Allhallows-day, he thought

he could so far have ruled him as he would have been persuaded to desist."* But Garnet well knew that Catesby was not to come down till the catastrophe was over,—till the "nocents" and "innocents" had been indiscriminately destroyed. He was to proclaim the heir apparent at Charing Cross—to organise the provisional government in London—to choose a protector —and then, and not till then, to join the rendezvous in Warwickshire. Garnet had, therefore, not the shadow of a reason to expect him at Coughton upon Allhallows-day. Besides, why should he delay his persuasion until the eve of the completion of the design? Why suspend the fate of the nation upon a single slender thread, and leave to the chance of seeing Catesby the prevention of so horrible a massacre? If, indeed, he had not been acquainted with the Plot till a few days before the 5th of November, his alarm and perturbation of mind might, in some measure, have accounted for his conduct; though even upon that supposition his behaviour would have been most extraordinary and unnatural. But by his own confession, he had known it for many months, and there is strong presumptive evidence that he had known it for a much longer time than he chose to admit;—he had talked with Greenway about it whenever he met him;—he had seen Catesby repeatedly, and in particular had been with him at Goathurst a fortnight before the appointed day. Why did he not persuade him then? The seal of confession, if that had really been the

* See Criminal Trials, vol. ii. pp. 294, 303.

reason of his silence, was surely as inviolable on Allhallows-day as it had been a fortnight before.

The circumstance that Greenway was at Coughton likewise tends to show the object of Garnet's journey. What could be Greenway's motive for repairing to the rendezvous? Not certainly to discourage a design which both before and after its failure he applauded and approved. Is it then probable that these two priests should, at this critical juncture, be found exactly at this spot, if their views, intentions, and wishes respecting what was going on in London had been so diametrically opposite as Garnet pretends?

The same striking inconsistency between Garnet's actions and professions is displayed by his conduct while at Coughton. On Allhallows-day, Hall expressly says* that Garnet, "in a private manner, incited those that were present to pray at that time to be rid of heresy: and said a verse or two of a hymn for that day—

'Gentem auferte perfidam
Credentium de finibus;
Ut Christo laudes debitas
Persolvamus alacriter.'"

William Handy also, a servant of Sir Everard Digby's, declares,† that two days before the meeting at Dunchurch, Garnet said, in his hearing, at Coughton, "It were good that the Catholics, at the beginning of the Parliament, should pray for some good success towards

* Hall's Examination, March 6th, 1605-6. Criminal Trials, vol. ii. p. 285.

† Handy's Examination, November 27th, 1605.—State-Paper Office.

the Catholic cause." Of the truth of these statements there can be no doubt, as the substance of them is admitted by Garnet himself. Now, can it be believed that an incitement to pray for the extirpation of heresy, made in a significant and unusual manner, at the very moment when that object was in the act of being attempted by the violent destruction of the heads and leaders of the Protestant party, was likely to proceed from one who abhorred the scheme? So also his recommendation to pray for success to the Roman Catholic cause at the beginning of the Parliament is wholly unintelligible in the mouth of a man who cordially disapproved a plan for promoting the Roman Catholic religion which he knew to be then on the point of execution. Upon this subject Garnet himself says, in his first interlocution with Hall,* "Perhaps they will press me with certain prayers that I made against the time of the Parliament for the good success of that business, which indeed is true." "But," he adds, "I may answer that well; for I will say it is true that I did doubt that at this next Parliament there would be more severe laws made against the Catholics, and therefore I made those prayers; and that will answer it well enough." The reader, who considers the evidence in this case, will perhaps hesitate in coming to the same conclusion; and will probably think that the facts of his praying at this precise point of time, and with his knowledge of what was then on the eve of execution, "to be rid of heresy," for the "taking off a perfidious

* Appendix, No. II. p. 332.

people," and "for some good success towards the Catholic cause," are not "well enough answered" by his suggestion that he alluded in such prayers to the threatened imposition of further persecuting laws at the ensuing Parliament. The language of the prayers is precisely adapted for the furtherance of the Plot; it is quite inconsistent with the intention ascribed to it by Garnet.

One more instance deserves to be mentioned, in which Garnet's statements appear to be signally refuted by acknowledged facts. Garnet declares that "he commanded Greenway to dissuade Catesby," and that "Greenway said he would do his best to make them desist."* The calm and temperate manner in which this is represented to have been done cannot fail to astonish the reader, when he considers the fearful extent and murderous cruelty of the scheme to which the command of Garnet referred. The language is precisely that which might have been employed to discourage one of the most insignificant actions of Catesby's daily life, but is surely not such as would have been used to prevent the execution of a design to murder hundreds at a single blow. But looking to Greenway's conduct, it is wholly incredible either that Garnet gave him such a command, or that Greenway promised to urge the conspirators to desist, or that he did in fact do so. Of Greenway's conduct before the 5th of November, we find few particulars recorded except in Bates's evidence: it is clear, however, that

* See Criminal Trials, vol. ii. pp. 294, 302.

he was in constant communication with the conspirators; and there is no evidence, nor any suggestion, except in his own exculpatory narrative, that he ever in any degree discouraged the conspiracy. On the contrary, he is found at the rendezvous on the day of the meeting of Parliament. On hearing by Bates, after Fawkes's apprehension, that the conspirators are in open rebellion, he instantly goes to join them at Huddington. Catesby and Percy receive him at that place with open arms as an associate and ally, the former exclaiming upon his appearance, "Here is a gentleman that will live and die with us!"* After consulting with the arch-traitors for two hours, he rides away to Mr. Abington, at Hendlip, and tells him and his family, that unless "they presently join the rebels, all their throats will be cut;" and, upon Mr. Abington's refusal to do so, he rebukes him as a "phlegmatic" person, and says he shall go elsewhere, and especially into Lancashire, for the same purpose for which he had come to Hendlip.† Here then we find the man whom Garnet says he commanded to dissuade the conspirators intimately allied with them for months before the discovery of the treason, and yet doing nothing, and attempting nothing, in performance of the supposed command of his superior; nay, upon their breaking out into actual

* Henry Morgan's Examination, January 10th, 1605-6.—State-Paper Office.

† Examination of Hall, March 6th, 1605-6.—State-Paper Office. Criminal Trials, vol. ii. p. 285.

rebellion, he even joins them, rides to and fro in the country to excite Papists to arm in their support, and acts in every respect as a zealous promoter of their design. Can it be believed that Greenway, a subordinate priest, would have dared thus to disobey the positive command of his superior, if such a command had really been issued? Is it credible that Greenway, who had confessed the plot to Garnet, and received absolution on the express condition of his promise to dissuade others from this great sin, should have not only omitted to do so, but have done all in his power to assist and encourage the traitors to promote the treason?

Mission of Fawkes to Flanders.

The facts of Garnet's implication in the mission of Fawkes into Flanders, and, subsequently, with that of Baynham to the Pope, must also be taken into the account among the circumstances which press most heavily against him. Fawkes was sent into Flanders by the conspirators about Easter, 1605. The chief object of his mission is stated by both himself and Thomas Winter to have been to acquaint Hugh Owen and Sir William Stanley with the particulars of the Plot,* or, as Catesby informed Robert Winter, "to see if he could raise friends."† Fawkes was also charged by Catesby to procure Owen and Father Baldwin the Jesuit to deal with the Marquis Spinola in Flanders to make him lieutenant of a regiment of horse there, "by

* History of the Gunpowder Plot, pp. 42 and 56.

† Robert Winter's Letter to the Lords, January 21st, 1605-6. Criminal Trials, vol. ii. p. 143.

colour whereof he might provide horses in England against the powder-blast should have been given."* The object of Fawkes's mission being, therefore, altogether the furtherance of the Plot, Garnet "writes by him to Father Baldwin in his commendation."† He says on the trial that he did so, "thinking that Fawkes went to serve as a soldier." It is hardly credible that Fawkes, who was well known as a soldier in the Archduke's camp, having served in Flanders during several campaigns, would require a military recommendation at all; or if he did, that such an object would be forwarded by a letter from a priest in England to a priest in Flanders. But, at all events, it could not be necessary to give a special recommendation of Fawkes to Baldwin, as they were already intimately acquainted, and had been connected in treasonable enterprises at an earlier period. It was Baldwin, who, with Sir William Stanley and Owen, "employed Fawkes from Brussels into Spain," immediately after James's accession, to "give advertisement to the King of Spain how the King of England was like to proceed rigorously with Catholics, and that it would please him to bring an army to Milford Haven;" and it was Baldwin who explained to Fawkes particularly how he was to negotiate with Cresswell to procure the invasion.‡ For introduction and commen-

* Fawkes's Examination, January 20th, 1605-6. Criminal Trials, vol. ii. p. 280.

† Garnet's Confession, March 6th, 1605-6. Criminal Trials, vol. ii. p. 278.

‡ See Criminal Trials, vol. ii. p. 140.

dation, therefore, Garnet's letters to Baldwin were at this time quite unnecessary; but, on the other hand, it was of the utmost importance to the conspirators to have Fawkes accredited to Baldwin by Garnet's authority, with respect to the real object of his mission, which was to communicate the Plot and secure his active co-operation.

Mission of Baynham to Rome.

The circumstance of Garnet's writing to Flanders in recommendation of Sir Edmund Baynham must be considered as an extremely suspicious fact. The object of Baynham's mission to Rome was, as Fawkes says,* "that he might be there in readiness to acquaint the Pope with the successes to be prepared for the relief of the Catholics, after the project of the powder had taken effect;" and the time of his departure, namely, the month of September, entirely coincides with this object. Under these circumstances, Garnet accredits Baynham by letters to the Pope's Nuncio in Flanders, and these letters are considered by the conspirators to be of such vital importance, that Bates declares that Baynham was at this critical moment stayed in England, expressly waiting until they should be ready. The reasons given by Garnet himself for this suspicious recommendation are various and inconsistent. In one of his earlier examinations,† and before he had acknowledged his own privity to the Plot, he says, "that the effect of his letter to Baldwin on behalf of

* Examination, January 9th, 1605-6. Criminal Trials, vol. ii. p. 271.

† Examination, March 6th, 1605-6. State-Paper Office.

Baynham was to commend him to be a soldier," and he protests that he never wrote to any other effect. A few days afterwards * he says that he named Baynham to Catesby as a fit messenger to be sent to the Pope, to acquaint him generally with the state of England, and to take his advice and direction before the Powder Plot was proceeded in. On his trial he is represented as combining both these accounts; asserting that "he always understood that Baynham went as a soldier, and that he thought good to commend him to the Pope's Nuncio and other friends in Flanders, that *they* should send him to the Pope to inform him of the distressed state of the Catholics in England, and to learn of the Pope what course he would advise them to take for their own good." And, finally, after his trial, in his letter to the fathers and brethren on Palm-Sunday,† he declares, "that he had procured Baynham's mission in order to inform the Pope generally of the Plot, and that this was the reason why he so confidently expected from his Holiness a prohibition of the whole business." Now, with respect to his recommendation of Baynham as a soldier, we are first struck with a similar absurdity to that above pointed out in relation to Fawkes, namely, that the Superior of the Jesuits should recommend a military man to the Pope's Nuncio. Besides which, it must be remembered that Baynham

* Examination, March 12th, 1605-6. Criminal Trials, vol. ii. p. 272.

† Antilogia, p. 141.

could have required no such introduction. He had served under the Earl of Essex on various occasions, and was intimately acquainted with Sir William Stanley and the other English refugees of the Roman Catholic party in Flanders. But, taking the latest and final reason alleged by Garnet, namely, that he proposed his mission to the Pope in order to negotiate for the prevention of the Plot by a papal prohibition, is it credible that for such a purpose he would have employed such a messenger? Could the Superior of the Jesuits find no more fitting emissary on a message of mercy than the "Captain of the Damned Crew," —the man of "treasons, stratagems, and spoils," —whose turbulent and unprincipled character was so notorious in England, that the conspirators themselves thought it imprudent to intrust him with any part of the conduct of the project at home, saying, that "he was not fit for the business?"* But the conclusive answer given to this suggestion at the trial, and by which its falsehood seems to be demonstrated, was the indisputable fact that Baynham did not quit England until the middle of September, and consequently that it was barely possible, even if he had travelled directly to Rome with the utmost expedition, to have procured the Pope's prohibition, and to have returned with it to England, before November 5th. In fact, Baynham used no expedition at all; he went through Flanders and remained some days there, and did not reach

* Bates's Examination, Jan. 13, 1605-6. Criminal Trials, vol. ii. p. 282.

Florence till October 20th, well knowing that the real object of his mission would be accomplished by his being at Rome as soon as the tidings of the explosion had arrived there.

Many other circumstances might be mentioned, all of which point directly to a different conclusion from that which Garnet laboured to establish on the trial, and which his apologists, with greater zeal and ingenuity than knowledge of the facts, have since urged on his behalf. But the enumeration of all the arguments would extend these remarks, already perhaps too much protracted, to a length of dissertation altogether unjustifiable. There was great justice in what Lord Salisbury quaintly said to Garnet upon the trial, namely, that "all his defence was but simple negation; whereas, his privity and activity, laid together, proved him manifestly guilty." It is impossible to point out a single ascertained fact, either declared by him in his examinations to the Commissioners, or to the jury on his trial, or revealed by him afterwards, or urged by his apologists since his death, which is inconsistent with his criminal implication in the Plot. On the other hand, all the established and undisputed facts of the transaction are consistent with his being a willing, consenting, and approving confederate, and many of them are wholly unaccounted for by any other supposition. Indeed, this conclusion appears to be so inevitable, upon a deliberate review of the details of the conspiracy and of the power and influence of the Jesuits at that

period, that the doubt and discussion which have occasionally prevailed during two centuries respecting it can only have arisen from the imperfect publication of the facts, and, above all, from the circumstance that the subject has usually been treated in the spirit of political or religious controversy, and not as a question of mere historical criticism.

Appendix No. I.

Jhesus Maria.

Shrovetuesday.

For Mrs. Anne or one of ours first keep all discreetly secret.

I purpose, by God's grace, to sett downe here briefly, what hath passed since my apprehension, least evill reports, or untrew, may do myself or others injury.

After we had bene in the hoale 7 dayes and 7 nights, and some odd houres, every man may well think we were well wearyed; and indeed so it was, for we continually satte, save that some times we could half stretch ourselves, the place being not high enough; and we had our legges so straightened, that we could not sitting find place for them; so that we both were in continuall paine of our legges, and both our legges, especially mine, were much swollen, and mine continued so till I came to the Tower. If we had had but one half day liberty to come forth, we had so eased the place from bookes and furniture, that, having with us a cloase stoole, we could have abidden a quarter of a yeare. For that all my frendes will wonder at, especially in me, that neither of us went to the stoole all the while, though we had means to "servitii piccoli," whereof also we were at a nonplus the day of our taking.

We were very merry and content within, and heard the searchers every day most curious over us, which made me in deed think the place would be found. And if I had

knowne in time of the proclamation against me, I would have come forth and offred myself to Mr. Abington, whether he would or no, to have bene his prisoner.

When we came forth we appeared like 2 ghosts; yet I the stronger, though my weakness lasted longest. The fellow that found us ranne away for feare, thinking we would have shotte a pistoll at him; but there came needlesse company to assist him, and we bad them be quiett, and we would come forth. So they holpe us out very charitably; and we could not go; but desyred to be lead to a house of office. So I was, and found a bord taken up, where there was a great downfall, that one should have broaken his neck if he had come thither in the dark, which seemed intended of purpose. We had escaped, if the two first hidden souldiers had not come out so soone, for when they had found them they were curious to find their place.

The search at Henlip was not for me but for Mr. Hall, as an abettor of Robert Winter. Then came a second charge to search for Mr. Gerard. Of me never no expectation;—so that it was onely God's pleasure to have it so as it is. *Fiat voluntas ejus.*

Sir Henry by the proclamation knew me straight, and made of me exceedingly, saying I was a lerned man and a worthy, &c. I acknowledged not my name; but referred all to my meeting with my Lord of Salisbury, who would know me. Yet never did I deny my name to Sir Henry, but desyred him to call me as he would; for he called me by divers names, but my most common was Garnett. I tould him that in truth it was not for any discourtesy, but that I would not in the places we are be made an obloquy, but when I came to London, I would not be asshamed of my name.

We were carried to Worcester in his coach, where he had promised us to place us in some bailye's, or other citizen's house; but when we came there he sayed he could not do as he wisshed, but must send us to the gaole. I said, "A-God's name, but I hope you will provide we have not irons, for we are lame already, and shall not be able to ride after to London." "Well," said he, "I will think of it," and set me to rest in a private chamber, with one to looke to me, because he would avoide the people's gazing.

When he had dispached his busines he sent for me, and tould me we should go with him to his house. So we did in coach, and were exceedingly well used, and dined and supped with him and his every day.

On Candlemas Day he made a great dinner to end Christmas; and in the middest of diner he sent for wine to drink health to the King, and we all were bare. There came, accompayning the wine, a white waxe candell lighted, taken at Henlip, with Jesus on one side and Maria on another. So I desyred to see the candell, and tooke it in my handes, and gave it to Mr. Hall, and said I was glad yet that I had caried a holy candel on Candelmas Day. So I pledged the health, yet with favour, as they said, in a reasonable glasse.

I parted from the gentilwemen, who were very kind to me, as also all the house, who were with us continually, insomuch that Sir Henry was afraid we would pervert them. And the like *caveat* he hath given to my keeper here, whom I have sent to him sometimes.

I desyred them all to think well of me, till they saw whether I could justify myself in this cause.

All the way to London I was passing well used at the King's charge, and that by expresse orders from Lord Salisbury.

I had alwayes the best horse in the company. Yet was I much distempered the first and last night; which last night I was lodged in the Gate-house, and could not eate any thing, but went supperless to bedd; and all the while there could eate very little, onely contenting myself with bread, an appell, and some wine, according to my purse; though my keepers drank also with me, I thinking to have remained still there: but I am far better here than close there, if I could have my morning delights, which there cannot be had neither.

I had some bickering with ministers by the way. Two very good scholars and courteous, Mr. Abbott and Mr. Barlow, mett us at an inne; but 2 other rude fellows mette us on the way, whose discourtesy I rewarded with plaine wordes, and so adieu. They were discharged by authority.

On St. Valentine's Eve I went to the Councell Table at

White Hall, a great multitude beholding both going and coming. One said, "there was a Provineiall;" another, "there goeth a young Pope." When I eame to the Councell I kneeled, and was bid stand. And I asked whether my letter had bene seene? All denyed it. So I made my trew protestation of innoceney in this case. They wisshed I would no so ernestly protest, for they had sure proofes. So my Lord of Salisbury first began; and his interrogations and my answers with some intermingled disputations, espeeially of equivocation, yet with all curtesy, lasted 3 hours almost. All these interrogatories were about the authority of the Pope; and my Lord Salisbury said, "You see, Mr. Garnet, we deale not with you in matters of religion, as of your priesthood, or of the real presence, but in this high point in whieh you must satisfye the King that he may know what to trust unto." I was glad to have this occasion to be aceounted a traitour without the Powder House rather than within. And thinking myself also obliged to professe the Faith of Supremacy, answered in many articles aceording to their demaundes plainly, yet modestly; and with great moderation also of rigorous opinions, affirming that none could attempt violenee against the King, no, not the Pope eommanding, that I thought he was not excommunicate: that in case one were exeommunicated, none could exeeute the sentenee without the Pope's consent. Being asked whether all that held the religion established in England were heretieks, I said, "the religion was hereticall; of the persons I would not judge." "But are they exeommunieate, if they be formally heretieks?" "They be excommunieate in Bulla Cœnæ; if onely materially, beeause they never had sufficient knowlege to the contrary, no." "May the Pope excommunieate our King?" "The Pope is successour to St. Peter, to whom Christ said, 'Pasce oves meas,' and so he may exeommunieate Kings also." They urged me to sett downe 'our King.' I refused for reverenee of our King, whieh they allowed at length. "Whether might the Pope exempt subjects from their fidelity, upon cause of exeommunication?" I said there was a canon, "Nos Sanctorum," wherein was such a determination, which lay not in my power to abridge. "May the Pope command anything unlawfull for obedience?" "Nothing that is unlaw-

full may be lawfull for obedience." After some rest, I had another houre before them with Mr. Atturney to small purpose, for I refused to acknowledge any of my owne names but Garnet, or to name any person which might be indamaged by me; though after, in my other examinations, I thought better otherwise, in respect that all was knowen before, and I charged with treason in some speciall places;—but I am sure I have hurt no body.

On St. Valentine's Day I came to the Tower, where I have a very fine chamber; but was very sick the 2 first nights with ill lodging. I am allowed every meale a good draught of excellent claret wine, and I am liberal with myself and neighbours for good respects, to allow also of my own purse some sack; and this is the greatest charge I shalbe at herafter, for now fire will shortly be unnecessary, if I live so long, wherof I am very uncertaine, and as careles. And herupon I will tell you a pleasant discourse: I said here in one examination to my Lord Chief Justice and Mr. Atturney and Sir William Waad that I cared not for my life, but whether innocently to dye, as I hoped (and yet am sure) or guilty, death was welcome. Mr. Atturney said, "It was pitty it should be, for I was a man fitte to live and serve my country." Notwithstanding, in another examination, talking of the day I was first at Henlip, I said, "If I had a calender, I could tell, for I thought it was St. Sebastian's Day, or the next to it." "O!" saith he, "you have saints for every day." I said, "We had for the most;" "Well," saith he, "you shall have no place in the calender." "I am not worthy," said I, "of a place in the calender, but I hope to have a place in Heaven." Yet he is very courteous, and we sometimes are pleasant. They asked me whether I did not christen a child at White Webbs; I said, "I thought such a thing might be, but remembered not." Sir W. Wade hearing of a child borne in the house—"O!" saith he, "you were at the christening, but were you not there at the begetting?" The other two reprehended him, and said the father lived in the house, and was one Brookesby, with a bauld head and a reddish beard. I said that "that place was a place of justice, and such calumniations were unfitte;" wherein Mr. Atturney tooke my part. Sir William is very kind in usuage and familiarity, but most violent and impotent in speeches

when he entereth into matters of religion; he saith, "All the Jesuits' order shalbe dissolved upon this as the Templers;" I say, "Private faults do not prejudice the wholle." "But the Jesuits shall now all out of England;" I sayed that "if it pleased the King to graunt free liberty to other Papists, I would presently send away all Jesuits." My Lord Chief Justice said it was more than I could do; I said, "I would trye." Indeed, I feare me some particuler thing may be done this Parliament against Jesuits; my advise is that they hyre themselves private lodgings, and help their freinds abroade, and say they are dismissed for a time by their Superior. This I think best till Father-Generall's will be knowen.

In my last examination they said they could beleeve me in nothing I saied. "Why then," said I, "you must bring witnesses." They said they would. This weeke we expect them againe, and then either torture or arraignment, for we are indighted already.

They wondered to see me so constantly deny their principall objections, wherof they made sure ground, and asked me whether I thought they would send out a proclamation against me without ground. I answered, "I as much wondered at the proclamation knowing my conscience, but if their groundes wer trew (as they were not) no mervaile at all."

They much urge me to name such noble men as the conspiratours in the Spanish actions built on, for they would not acquaint any more at the first, but when the time should come they made sure reckoning of Northumberland, Rutland, Mountagew, &c. But in truth I never heard any such thing. I may chaunce be tortured for these. I say I utterly disswaded that intent, and they promised to desist, and that they tould me they would onely sew for pensions in Spaine.

I acknowleged I commended Bainam onely for a souldier in Flanders, and denyed that ever I sent, or was to send to him, or for a noble man whose name they say began with Mount, any letters beyond.

No servants I have taken knowlege of onely Mrs. Parkins, though they name her sister also, and saye they will have her. Corpus Christi lodging I think is safe.

They charge me with a prayer made or penned at the

beginning of the Parliament, and the musitian is my accuser; it is in verse: I saied, "I never penned prayer;" but I ghesse what they meane. They verely thought I was at White Webbs with the conspiratours. I say it after the first of September I was ever there, I am guilty of the powder action; for this very protestation they urged upon me. The time of my going to Coughton is a great presumption, but all Catholics know it was necessary.

Mr. Atturney biddeth me provide to answer a certain conference of mine and Greenwell's, but I hope I shall well enough, though I doubt not but Mr. Catesby hath fained many such things for to induce others. And I doubt not that if I may have justice but to clear myself of this powder; as for other treasons, I tell them I care not for a thousand.

In truth I thank God I am and have bene *intrepidus*, and herin I marvaile at my self, having had such a great apprehension before; but it is God's grace. And I often feare torture; yet it is the same God, and I cannot be tortured but for justice, that is, for not betraying such as either I had diverted from their purpose, or was never acquainted with their purpose at all.

You may joine to this such thinges as I have before written, and you have all of any importance.

My Lord Chief Justice asked me whether I were never a correctour of a printer; I said, "Yes" (for there have I dined oft with him), and tould him that I was beginning the law. Mr. Atturney wisshed I had gone on. "O!" saith Sir William, "he would have marred the law as he hath done divinity with his 'Equivocation.'" Sir William telleth of two seminaries intended for Spain and Italy in London. You know better.

For your self, when I know how you can place your self to your contentment, I will advise you who you may relye on.

Saluto ex toto corde omnes carissimos et amantissimos meos.

I was examined 3 severall dayes here, once befor and after dinner.

They were nothing satisfied in my 2 last examinations—and the last but one they threatening torture; I said, "I hoped that God would give strength, &c.," and tould them

how St. Basill, being threatned with the like by Valens, his officers, answered, "*Pueris ista minare.*"

They read to me Mr. Greenwell's words in confession, which I verely think he never spake, for Bates was sory of that he had confessed, and saied it was to save his life. I condemned Mr. Greenwell's words if they were spoken.

Where is he and Mr. Gerard? Faux was couragious unto the end, so that he is wondered at.

There is a muttering here of a sermon which either I or Mr. Hall made ;—I feare mine, at Coughton.

Mr. Hall hath no great matter, but only about Mr. Abington, though Mr. Atturney saith he hath more.

For God's sake provide bedding for these three—James, Jhon, Harry, by begging or by mony, if there be to spare, your owne necessities alwayes regarded. I know not how Mr. Strainge is provided; it may be he knoweth how [to] send out; for to me he cannot send.

Appendix No. II.

Interlocutions between Garnet and Hall.—23rd February, 1605.

"So soon as they came to speak together, they seemed to confess themselves one to the other; first Hall, and then Garnet, which was short, with a prayer in Latin before they did confess to each other, and beating their hands on their breasts. Garnet confessed that he had a great suspicion of one (whose name I could not hear), but said he found it but a mere suspicion, and that he had been subject much to that kind of frailty.

"Said Garnet, 'I had forgot to tell you I had a note from Rookwood*—you know him—and he telleth me that Greenway is gone over; I am very glad of that. And I had another from Mr. Gerard, that he meaneth to go over to Father Parsons, and therefore I hope, if he be not yet taken, he is escaped; but it seemeth he hath been put to great plunges.'

"'I think Mrs. Anne is in the town; if she be, I have writ a note, that my keeper may repair to her near hand, and convey me anything unto her, who will let us hear from all our friends.'

"'I gave him an angel yesterday, because I will be beforehand with him, and he took it very well, with great thanks; and now and then at meals I make very much of him, and give him a cup of sack, and send his wife another, and that he taketh very kindly; so I hope we shall have all well. You should do well now and then to give him a shilling, and sometimes send his wife somewhat. He did see me write to Mr. Rookwood, but I will give him no more money yet.'

"'I must needs confess White Webbs, that we met there;

* This was a brother of Ambrose Rookwood, a priest who was taken at Clopton after the discovery of the Plot.

but I will answer it thus,—that I was there, but knew nothing of the matter.

"'They prest me to take an oath (as by your priesthood) for trifles; but they said my oath was nothing; I might be pardoned of the Pope.'

"Then Hall said something more softly to Garnet, and he answered, 'Good Lord! how did they know that?'*

"'It is no matter.'

"'Perhaps they will press me with certain prayers that I made, against the time of the Parliament, for the good success of that business, which indeed is true. But I may answer that well, for I will say, it is true that I did doubt that at this next Parliament there would be more severe laws made against the Catholics, and therefore I made those prayers; and that will answer it well enough.'

"'Mr. Attorney told me very friendly, that he would make the best construction to the King of my examinations, to do me good, and used me very kindly.'

"'But Sir William Waad will sometimes scarce speak to me, and yet sometimes he will sit down, as he passeth through my chamber, and use me with very good words. But when he falleth into speech of Jesuits, Lord, how he inveigheth at them, and speaketh the strangeliest things that can be! And he told me that we were all of opinion that Catholic religion must be maintained under one monarchy; and who is that monarch but the King of Spain? Nay, he told me that he knew a gentlewoman that had a child by a Jesuit, and that I knew her well enough. And in these bitter terms did he tell me that he could directly charge me with divers several treasons, confessed by sundry persons that were witnesses in the Queen's time.

"'For my sending into Spain before the Queen's death, I need not deny it; but I care not for those things; he knoweth I have my pardon for that time, and therefore he will not urge them to do me hurt.'

"'If I can satisfy the King well in this matter, it will be well; but I think it not convenient to deny we were at White Webbs, they do so much insist upon that place. Since I came out of Essex, I was there two times; and so I

* In the margin of the original is here written in Forset's hand-writing, "This I did not well hear; only I heard Garnet's answer."

may say I was there. But they pressed me to be there in October last, which I will by no means confess; but I will tell them I was not there since Bartholomew-tide; neither will I tell them of my knowledge of any of the servants there, for they may then examine and perhaps torture some of them, and make them yield to some confession. But if they ask me of the servants, I will tell them they never came up to where I was.'

"'But I was afraid when they spake to me of Sir Edmund Baynham, that I should be asked somewhat of the letters of my Lord Montague* did write and send by him; but I hope they will not yet; perhaps hereafter they will.'

"'And, in truth, I am well persuaded that I shall wind myself out of this matter, and for any former business I care not.'

"'Hark you, hark you, Mr. La,† whilst I shut the door make a hawking and spitting.'"

25th February, 1605.‡

"'Sir William told me I was indicted. I marvel whether it were before the proclamation or since. If before, it will be the worse for Mr. Abington; if since, it is no great hurt to him.'

"Garnet said, 'he was charged with some advice he should give in Queen Elizabeth's time, of the blowing up of the Parliament House with gunpowder.'§ 'Indeed (said he to Hall) I told them at that time it was lawful, but wished them to do their best to save as many as they could that were innocents.' (His words we conceived tended to this purpose.)

"'They pressed me with a question, what noblemen I

* This word is "Montague" in the original, but it seems to have been Lord Mounteagle who wrote by Baynham; and therefore this is possibly a mistake of the listeners.

† It is thus in the original, but the meaning is unknown.

‡ This interlocution is from the Tanner MSS. the whole of it being transcribed in Archbishop Sancroft's hand-writing. The three others are taken from the originals at the State-Paper Office.

§ Dr. Abbott cites an Examination of Fawkes, dated 20th January, 1605-6, in which he states that "Owen told him in Flanders that the project of blowing up the Parliament-House had been devised by Thomas Morgan in Queen Elizabeth's time." *Antilogia*, p. 137. An Examination of Fawkes, of the 20th of January, to the above effect, is mentioned often by Dr. Abbott, and also by other contemporary writers who had access to the original; but it is not now to be found.

knew that have written any letters to Rome, and by whom? Well, I see they will justify my Lord Mounteagle of all this matter. I said nothing of him, neither will I ever confess him.' Then Garnet mentioned my Lord of Northumberland, my Lord of Rutland, and one more (whom we heard not well); but to what effect they were named we could not hear, by occasion of a cock crowing under the window of the room, and the cackling of a hen at the very same instant.

"Saith Garnet, 'There is one special thing of which I doubted they would have taken an exact account of me; to wit, of the causes of my coming to Coughton, which indeed would have bred a great suspicion of the matter. I will write to-day or to-morrow (to whom we could not hear), to let them know that I am resolved to do my lord no hurt.'

"Garnet used some words to this effect, 'I hope they have yet no knowledge of the great, &c.;' but it was not well heard by either of us.

"'I will need take knowledge that you were with me at White Webbs.' Then he told Hall of a lease that was showed him for taking of White Webbs, and other words to that effect. 'You did not confess that we came together to Mrs. Abington's? For you know what we resolved upon.' Then they seemed to think that they had failed in their several confessions for their meeting, and about their horses; and Garnet seemed to be very sorry that Hall held not better concurrence. But now they contrived how to answer that point with more concurrence; to wit, as if Garnet or Hall had misnamed one the other, instead of a third person, whom they have now resolved upon. Garnet said, 'They went away unsatisfied, and therefore we must expect, at the next time, either to go to the rack, or to pass quietly with the rest.' 'But,' said he, 'they pressed me with so many trifles and circumstances, that I was troubled to make answer, and I told them if they would demand anything concerning myself, I was ready to deal plainly; but to accuse any other that were innocent, it might be some matter of conscience to me; and I told them that none could be judge of my conscience but myself. Mr. Attorney was about to write, but when he had written three lines he gave it over, and seemed to be angry, saying, 'I had lost my credit, for he had undertaken for me to the King.'

"Then they conferred how to get more money, and Garnet said that he had a friend to whom he would send his keeper.

"Garnet said 'he was charged about certain prayers to be said for the success of this business at the beginning of the Parliament. To which he answered that if they would show him any such prayers he would confess if they were done by him; which was refused to be done.' 'They then pressed me whether if it could be proved that I made such prayer, I would yield myself privy to all the rest? Indeed, upon All-hallows day we used those prayers, and then I did repeat to them two Latin verses;' which, both prayers and verses, Garnet did now rehearse to Hall, confessing that he made them both.

"Garnet said, 'They mentioned the letters sent into Spain; but I answered that those letters were of no other matter but to have pensions.'

"Garnet said something to Hall of a gentlewoman, that if he were charged with her, he would excuse her conversing with him; but how we could not well hear.

"Garnet said he was asked of Robert Chambers, and said somewhat of James or Johnson, who he heard was upon the rack for three hours, at which he marvelled; 'for,' said he, 'Fawkes was but half-an-hour, and yet they won him to confession.'

"They spake of Strange, who they heard should be hanged. Then Garnet said, 'Upon what point do they touch him?' Hall, as well as we could hear, named something he had done against Sir Robert Cecil, but the rest we heard not.

"Garnet bid Hall take his shovel and make a noise amongst the coals, whilst he might shut the door.

"We did observe, that from the beginning to the ending of all the conference, neither of them named God, or recommended their cause or themselves to God, but applied themselves wholly to the matter.

"Edward Forsett.
"J. Locherson."

27th February, 1605.

"'How now, how do you? is all well?' said Garnet.

"And so they proceeded to the rehearsal of the examination yesterday taken, and then Hall (who spake most at this time) seemed to relate to Garnet the points of his confession, which we could not well hear, more than when we heard Garnet's liking or dislike thereof. And where he liked he said no more but 'Well, well; that was well.'

"'I think,' said Garnet, 'they have even done with examining of me, and truly I hope they will not bring me to any arraignment.'

"Then it seemed unto us that Hall told Garnet how he answered the matters of White Webbs, which Garnet said it was well; 'but,' said he, 'for the other matter, of our meeting on the way, it were better to leave it in a contradiction, as it was, lest perhaps the poor fellow shall be tortured for the clearing of that point.'

"Said Garnet, 'I was asked of some noblemen, but I answered it well enough, I think.'

"Garnet said, he was asked again about the prayer which he was charged to have made, and then did name the prayer by a special name to Hall, thereby putting Hall in remembrance thereof: 'but,' said he, 'I shall avoid that well enough.'

"He spake of witnesses to be produced unto him, face to face, but to what end we did not hear him declare.

"Garnet said that Mr. Attorney did rail against the Pope, and that all the Jesuits should rue for it. Then Garnet desired that the whole should not be charged with the faults of some particular men. 'Nay,' said Mr. Attorney, 'they do all look to be made saints for such their practices,' and told me that 'my name would be put into the calendar of saints.'

"Then Garnet said that 'if the Pope and their generals should appoint them to any action wherein the Pope may think to deserve to be a saint in heaven, therein I may hope for such cause to be a saint in the calendar.'

"'Indeed, I was pressed again with Coughton, which I most feared, questioning with me of my times of coming thither, the place, at such time, and the company.' Whereunto we did not hear any report of Garnet's answer.

"Garnet mentioned a place where they had said mass on a Sunday; but his words that followed we could not hear.

"Then Garnet said that Mr. Attorney asked him, if he were not at a christening of a child at White Webbs, and that Sir William Waad said gibingly, 'He was surely at the christening, if he were not at the getting of it.' Then said Garnet, it were not fit to use those words to him, at that time, in this place of justice. Then said Mr. Attorney to him again, 'Why,' said he, 'you know it well enough; it was Mrs. Brookesby's child; it had a shaven crown.'

"Garnet made mention of one Mrs. Jennings, who only we heard named.

"Then Garnet bid Hall hold up his mouth higher.

"Garnet said they let him see James;* 'but,' saith he, 'he went but along by me.'

"Then Hall having said somewhat to Garnet, which we could not hear, Garnet told him that he had answered them; that there was divers that knew him whom he knew not.

"Then said Garnet, 'Well, I will leave you now.'

"Then Garnet returned to Hall again, and asked him what he had given the keeper in all. Hall's answer we could not hear. 'Well, well; we will remember him well enough,' said Garnet, 'and so I told him.' Garnet was often going from Hall.

"'Well,' said Garnet, 'if they examine me any more I will urge them to bring proofs against me; for,' said he, 'they speak of three or four witnesses.'

"Then Hall said somewhat.

"'Well,' said Garnet, 'leave now; we shall have occasion to come together often enough;' and so he bid Hall shake the great fire-shovel amongst the coals.

"We again observed, that neither at their first meeting nor at parting, nor in any part of their conference, they used one word of godliness or religion, or recommending themselves or their cause to God; but all hath been how to

* The person here alluded to was James Johnson, who was the principal servant at the house at White Webbs. A few days before he had been brought with a keeper to Garnet's chamber in the Tower, in order to identify him as the person who went by the name of Walley.

contrive safe answers, and to concur in so much as may concern those matters they are examined of.

"Edward Forsett,
"J. Locherson."

March 2nd, 1605.

"'Hark you, is all well?' said Garnet; 'let us go to confession first if you will.'

"Then began Hall to make his confession, who we could not hear well; but Garnet did often interrupt him, and said, 'Well, well.'

"And then Garnet confessed himself to Hall, which was uttered very much more softlier than he used to whisper in their interlocutions, and but short; and confessed that because he had drunk extraordinarily * he was fain to go two nights to bed betimes.

"Upon speeches by Hall, of one he saw yesterday (as we guessed), Garnet told him that he was assured that Little John † would not confess anything of importance of him.

"Hall told Garnet (as we guess by Garnet's repetition thereof), that he should have no favour.

"Garnet used some speeches to Hall of the Jesuits, and said, 'That cannot be, I am Chancellor,' and said it might proceed from the malice of the priests.

"Garnet asked Hall what was said to him of White Webbs: Hall's answer we could not hear.

"Garnet made great haste away, for he said he had received a letter from them.

"Garnet told Hall that if it be not known that Mr. Abington was acquainted with their being in his house, he would do well enough.

"And so Garnet broke off in haste for the reading or writing of a letter; and spake to Hall to make a noise with the shovel.

"Edward Forsett,
"J. Locherson."

* This part of Garnet's confession, if accurately overheard, seems to confirm the imputation of drunkenness, which was repeatedly charged upon him by his contemporaries.

† This was Nicholas Owen, who, on the same day on which this conference occurred, committed suicide in the Tower.

Appendix No. III.

(A.)

The Voluntary Confession of Henry Garnett, Superior of the Jesuites, taken this 13 of March.

Upon occasion of thinking of the (great)* as your lordship knoweth, and withall calling to mynde that which hath ben comended unto me, if perchaunce I had intelligence of any greater matters concerning the good of the state, I remembred 2 substantiall pointes: the one used by Mr. Catesby as an invincible argument in his opinion for his purposes; the other also, in your lordships' opynion, not unfitt to be opened to His Majestie.

The first was of 2 breves, set to my handes in Queen Elizabeth's time, a yere (as I thinke) before her death, together with the copy of a letter to the Nuncio in Flanders. One of the breves was to all lay Catholiques, the other to all the clergy. The effect of both was that none should consent to any succcssour (being never so neere in blood) except he were not only such as wold give toleration to Catholiques, but also would with all his might sett forward the Catholicke religion; and according to the custome of other Catholicke princes submitt himself to the Sea Apostolicall. The effect of the letter to the Nuncio was that he should be very vigilant, and when he heard the Quene to be dead, he should in the Pope's name intimate this comaundment to all the Catholickes in England.

I had no comission to divulge any such thing, and so I kept them very close; and when I sawe the Quene was dead, I burned them. Yet had Mr. Catesby, and I thinke

* In the Interlocution of the 25th of February (*ante*, p. 334), Garnet says to Hall, "I hope they have yet no knowledge of the great," &c.; but the end of the sentence was not heard by the listeners. It was always supposed to refer to the Papal Breves, and many of the subsequent examinations were directed to this point.

Thomas Wynter, seene them, and so they mayd use of them, for Mr. Catesby sayd, "Why were wee comaunded before to kepe out one that was not a Catholicke, and now may not exclude him?" Neither had I any other reason to use against him, but that which I mentioned in an other declaration, that the Pope himself had given other order, and now all princes were very joyfull as well as the Pope.

The second point was of a league made betwene the Pope and the 2 Kinges of Spaine and France for the establishing of a Catholicke succcssor in England, which was fully concluded of amongst them, and that the army should be under the Pope's name, but yet at the said two Kinge's charges.

One only thing wanted to be resolved whither King yt more concerned to have a prince Catholicke in England, and hereapon the Quene dyed before any conclusion of practise and execution. Theis things I have thought good to sett downe in such secresy as may be thought good: for I wold be loath by this occasion any dissension should arise amongest princes. And as for the Pope I know he meaneth all love and quiettnes.

HENRY GARNETT.

(B.)

THE EXAMINATION OF HENRYE GARNETT AT THE TOWER, THE 14TH OF MARCH 1605.

HE confesseth that in the Quene's life tyme he received twoo breifes concerning the succession, and immediately uppon the receitte thereof he shewed them to Mr. Catesby and Thomas Wynter, then being at Witewebbs, whereof they semed to be verie glad, and shewed it also to Thomas Percy at Witewebbs, before one of his journies into Scotland in he late Quene's time. And saith that Catesby cam to Whitewebbs the same day the Quene died, and brought him the first newes of the Quene's death, and of the proclamation and applause of the people, and thereupon this examinate tyndinge the state settled, burnt both the said papers,

which were *sub annulo Piscatoris*, which is a picture of Saint Peter in a ship, casting his nett into the sea.

And saith that after Thomas Wynter retorned from his negotiation, in Spaine, he came, and, as he thinketh, Catesby with him, to Whitewebbs, and tould this examinate that the Kinge of Spaine desireth to be advertised, when the Quene died.

He confesseth that about midsommer was twelve moneth, Catesby and Wynter, or Catesby alone, cam to him at Whitewebbs, and tould this examinate that there was a plott in hand for the Catholique cause against the Kinge and the state which would worke good effect From the which when this examinate (as he sayth) diswaded him, Catesby sayed that he was sure it was lawfull. And used this argument, "That it being lawfull by the force of the sayd Briefes of the Pope to have kept the Kinge out, it was as lawfull nowe to put him out;" whereupon he urged the Pope's prohibition, and he promised to surceasse.

And confesseth, that when Greenwell acquainted this examinate with the powder action of blowinge up of the Parliament House, as before he hath confessed, this examinate being desirous to knowe the secret, Greenwell sayd that he was bounde to secrecie. And further sayth as before he hath confessed.

(Signed) Henry Garnett.

(C.)

26° *Martij* 1606.

The Effect of Two Breves of Succession and of the Letter to the Nuncio so farre as I remember.

The date of these two breves concerning succession, I find now to be more auncient than before I thought. For I remember it was before the last Breve of Attonement, and also before Mr. Blacke's censure of the appealles; for these 2 Breves supposed Mr. Blacke's autority over laymen, which was abridged in the last Breve of Attonement. And I

verely think that the Pope, seing the differences here which were, did not at all account for those 2 former Breves of Succession, and that they were even worne out of date before the Quene's death. So that if there be any booke of the appellants extant, wherein is their appeale a man may easily guesse at the date of these Breves.

The effect of the letter to the Nuncio was to commend unto him the vigilent care accustomed over other countries adjoining to England; allso, "*ut quandocumque contingeret miseram illam fœnimam ex hac vita excedere,*" he would not spare all labours to certifye the Pope and divulge the Breves in England by his autority, and in the Pope's name whose assistance should not want.

To Catholicks of the laity he commended to remembrance a "*vita pietatis ac religionis,*" and praised the longanimity of all sorts, hoping that God of his goodnes would once give them tranquillity, after their long distresses, and especially he comended unto all priestes, after so many glorious laboures for the Holy Catholick Church, all fraternall unity and concord: that the wholle church might with joy see the fruit of so many yeares endeavoures.

The maine pointe of the two Breves was for to exclude all successoures from the Crowne "*quantumcunque propinquitate sanguinis niterentur, nisi ejusmodi essent qui non modo fidem Catholicam tolerarent, sed eam etiam omni ope ac studio promoverent, ac more majorum id se jurejurando prestituros susciperent.*"

All this was not done any way directly against his Majesty, who without exception was the most desired on all sides if it had pleased God to have inclined him that way, but rather and principally against diverse other competitoures within this realme, whose partes might perhaps have been somewhat troublesome to his Majesty, if any forainc prince had made resistance and sought to divide the realme at that time, as thankes be to God it was not sought nor pretended. There were, at that time, at least 4 houses in England which might have bene prejudiced by these breves as much as his Majesty hath bene, for thanks be to God they did him no harmc. And if these Breves were written before my Lord of Essex his fall, as perhaps by

supputation may be found, he might have made the fifth, and perhaps the most mighty of all except his Majesty, whom Almighty God establish here with his posterity for ever, and incline him to extend his favour toward poore Catholicks, that they may enjoy long their life, liberty, and worldly goods to his Majestie's perpetual service.

(Signed) HENRY GARNET.

[The following is written on the same page as the indorsement.]

These are the groundes of the lardger discours. The Breves before the last definite sentence—*Misera illa femina —Laudatur ejus vigilantia, commendatur cura.*

Commendatio a vita pietatis et diuturnæ patientiæ Catholicorum.

Collandatio laborum ac constantiæ presbyterum.—Exortatio ad concordiam.

Exclusio quorumcunque qui non modo non toleret sed et non promoveret Catholicam fidem, et more majorum ac aliorun principum obedientiam Sedi Apostolicæ promittat.

Sedes Apostolica non deerit, et spes in Deo quod ipse illorum laboribus non deesset.

All this not for respect of his Majesty, but of many other competitoures at that time in like expectation, or at the least not unlikely.

(D.)

GARNETT'S CONFESSION IN HIS OWN HAND.

I DO not remember that ever Lord Mounteagle saw the Breves. Mr. Tressam saw them about the time that the going into Spaine was treating—that is, about Candlemas the year before the Quene died. Mr. Percy saw them immediately before his going into Scotland the last time before the death of the Queen, 27 Martii.

HENRY GARNETT.

Mr. Tressam saw the breves about the time that the going into Spaine was treating—that is, about Candlemas the year before the Queen dyed.

Mr. Percy saw them immediately before his going into Scotland the last time before the death of the Queen.

As far as I can remember, Mr. Catesby did shew them to my Lo. Mountegle at the same when Mr. Tressam was with him at White Webbs.—27 Martii.

Henry Garnett.

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